

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: RULE TITLE:
 5L-1.008 Shellfish Handling

PURPOSE AND EFFECT: The amendments propose to further protect the health of oyster consumers and are necessary to ensure that the State of Florida meets the requirements of the National Shellfish Sanitation Program (NSSP) as it relates to *Vibrio vulnificus*. The proposed rule amendments impact commercial harvesting and processing of oysters.

SUBJECT AREA TO BE ADDRESSED: Any proposed amendments will apply to commercial oyster harvesting and processing in Florida in order to protect the health of oyster consumers.

RULEMAKING AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: February 26, 2015, 3:00 p.m.

PLACE: Franklin County Courthouse Annex, 34 Forbes Street, Apalachicola, Florida, 32320

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: Rachelle Coleman, Division of Aquaculture, 600 S Calhoun Street, Suite 217, Tallahassee, FL 32399, Phone: (850)617-7600 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: Jillian Fleiger, Division of Aquaculture, 600 S Calhoun Street, Suite 217, Tallahassee, FL 32399, Phone: (850)617-7600

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

Section II
Proposed Rules

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-6.002	Definitions
58A-6.003	Licensure Application Procedures
58A-6.006	Governing Authority, Administration and Staffing
58A-6.007	Participant Care Standards
58A-6.008	Program Requirements
58A-6.009	Basic Services
58A-6.010	Optional Supportive Services
58A-6.011	Participant and Program Data, Emergency Management Plan
58A-6.013	Physical Plant, Sanitary Conditions, Housekeeping Standards and Maintenance
58A-6.015	Adult Day Care Center Employee Training Requirements
58A-6.0151	Specialized Alzheimer's Services Adult Day Care Center Employee Training Requirements
58A-6.016	Adult Day Care Center Training Provider and Curriculum Approval

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to implement mandatory rulemaking required by Section 429.918(6)(b), F.S. Additionally, the Department of Elder Affairs ("Department") intends to propose amendments to Chapter 58A-6, F.A.C., deemed necessary to clarify and streamline those portions of existing rule determined to be obsolete or wholly duplicative of Part II, Chapter 408, F.S.; Part III, Chapter 429, F.S.; and Chapter 59A-35, F.A.C.

SUMMARY: The proposed rule amendments incorporate additional and revised definitions; make changes to the licensure application process; clarify admission criteria; create Alzheimer's disease and related disorders participant discharge procedures at facilities designated as a Specialized Alzheimer's Services Adult Day Care Center; incorporate changes to adult day care center record requirements; create a new rule titled "Specialized Alzheimer's Services Adult Day Care Center Employee Training Requirements," and provide for approval of training curriculum by the Department.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule requirements 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: 429.929, 429.918(6)(b), 429.917(1) FS.

LAW IMPLEMENTED: 429.901(3), 429.909, 429.913(1)(b), 429.915, 429.917(1), 429.918(6)(a), 429.919, 429.929, 429.04(5) FS.

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

DATE AND TIME: March 3, 2015, 9:30 a.m. – 12:30 p.m.

PLACE: Florida Department of Elder Affairs, 4040 Esplanade Way, Room 301, Tallahassee, Florida, 32399

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: Jason Nelson at Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399, email: nelsonj@elderaffairs.org, telephone: (850)414-2129. 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: Jason Nelson at Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399, email: nelsonj@elderaffairs.org, telephone: (850)414-2129

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-6.002 Definitions.

(1) The following terms are defined in Sections 429.901 and 429.918, F.S., and are applicable to this rule chapter: “ADRD Participant,” “Adult Day Care Center,” or “Center,” “Agency,” “Basic Services,” “Department,” “Multiple or Repeated Violations,” “Operator,” “Owner,” “Participant,” and “Supportive and Optional Services.”

(2) Additional definitions applicable in this rule chapter are as follows:

(a) “Activities of Daily Living” or “ADL” shall mean the functions or tasks for self-care and shall include: ambulation, bathing, dressing, eating, grooming, transferring, and toileting, self-administration of medications, and other personal hygiene activities.

(b) “Adult” shall mean any person 18 years of age or older.

(c) “Applicant for Licensure” shall mean the Owner or Operator of a Center or, if the Owner is a business entity, the person (i.e., corporate officer, general or limited partner) acting on ~~in~~ behalf of the entity.

(d) “Assistant Operator” shall mean an individual designated in writing by the Owner or Operator as having full responsibility and authority for the daily operation of the facility when the Owner or Operator is not on-site. The Assistant Operator shall meet the same minimum qualifications as the Operator.

~~(d) “By laws” shall mean a set of rules adopted by the center for governing its operation. A charter, articles of incorporation, or a statement of policies, procedures and objectives shall be acceptable equivalents.~~

(e) “Participant Capacity” shall mean the number of Participants for which a Center is licensed to provide care to at any given time and shall be based upon required net floor space.

(f) “Comprehensive Emergency Management Plan” or “Plan” shall mean a plan developed by the Adult Day Care Center describing how the Center will prepare for and respond to an emergency, pursuant to Section 58A-6.011(10), F.A.C.

(g) “Congregate Space” shall mean climatically controlled living rooms, dining rooms, specialized activity rooms, or other rooms to be commonly used by all Participants.

~~(h)(g)~~ “Daily Attendance” shall mean the number of Participants who, during any one calendar business day, attend the Center. This count is not dependent upon, nor does it include, the number of types of services a Participant receives, but is an actual, individual, and unduplicated census count.

~~(h) “Full time” shall mean a time period of not less than 35 hours, established as a full working week by the center.~~

(i) “Functional Impairment” means a physical, mental, or social condition or cognitive condition or deficit that which restricts an individual’s ability to perform the tasks and Activities of Daily Living and that which impedes the individual’s capability for self-care and independent living without assistance or supervision from others on a recurring or continuous basis for extended periods of time.

(j) “Governing Authority” shall mean the organization, person, or persons designated to assume full legal responsibility for the determination of policy, management, operation, and financial viability of the Center.

~~(k) “Holding Itself Out to the Public” shall mean making any announcement, solicitation, display or advertisement to inform the general public of services provided by the center designed to attract new or additional participants to a center providing adult day care services.~~

~~(k)(4)~~ “Major Incident” shall mean any incident for which the Agency, Center, Staff member employee or other person associated with the Center may be liable, or which has resulted in serious injury, death or extensive property damage. Major Incidents shall include, but are not limited to, the following:

1. Death of a Pparticipant from other than natural causes while in the care of the Center;
2. Threats or occurrences of riots, bombings, or other extreme violence;
3. Disappearance of a Participant from the Ccenter; ~~of a participant,~~
4. Assaults or batteries on or by a Participant, resulting in severe injury or death, including, but not limited to, sexual assaults or rape; ~~on or by a participant,~~
5. Property damage from any cause that would interrupt routine operations or disrupt service delivery;
6. Auto accidents with injuries involving participants;
7. Involuntary Ccenter closure;
8. Incidents of abuse, neglect, exploitation or fraud;
9. Employee work conduct which results in a criminal law violation;
10. Attempted suicide by a participant while under Ccenter supervision.

~~(l)(m)~~ (l)(m) “Net Floor Space” shall mean the actual climatically controlled occupied area, not including accessory unoccupied areas such as hallways, stairs, closets, storage areas, bathrooms, kitchen or thickness of walls, set aside for the use of the ~~day care center~~ Pparticipants.

~~(m)(n)~~ (m)(n) “Operator” shall mean an individual who has daily administrative charge of an Aadult Dday Ccare Ccenter and who shall be designated in writing as such by the owner or Ggoverning Aauthority. An Operator of a Specialized Alzheimer’s Services Adult Day Care Center must meet the educational or experiential requirements in Section 429.918(5), F.S.

~~(n)(o)~~ (n)(o) “Orientation and Training Plan” shall mean a written plan developed and reviewed at least annually, and implemented throughout the year, which describes a coordinated program for Sstaff training for each service and for orientation of each new Sstaff member on Ccenter policies, procedures, assigned duties and responsibilities. The orientation and training provided for by the Orientation and Training Plan and which shall begin no later than the first day of employment.

(o) “Over the Counter Products” or “OTC Products” shall mean medications and related products that can be purchased legally without a prescription, including, but not limited to, medications, vitamins, nutritional supplements and nutraceuticals.

(p) “Participant Care Plan” shall mean a written record documenting adult day health services, as required by Section 58A-6.010(6)(d), F.A.C.

~~(q)(r)~~ (q)(r) “Participant File” shall mean a written record, prepared and kept by the Ccenter which shall include: a Participant Ccare Plan, documenting adult day health services provided to the Participant, if any; medical and social history or copies of an examination completed by a physician; diagnosis; disabilities and limitations; rehabilitation potential; short and long-term goals; and recommended activities; orders for medication or modified diet; such as Supervision of Sself-administered Mmedication; special needs for health or safety; permitted levels of physical activity; frequency of attendance at the ~~day care~~ Ccenter; and notes as required in this rule chapter.

~~(q)~~ (q) “Participant Space” shall mean ~~the required net floor space per participant. Maximum participant capacity shall refer to the licensed capacity.~~

(r) “Personal Supervision of a Participant” shall mean observation of the Pparticipant to maintain safety and well-being, including Supervision of Sself-administered Mmedication.

~~(s)~~ (s) “Preventive Service” shall mean ~~that service which precludes or deters development of disabilities including nutritional counseling, leisure activities, in facility respite care and social and health activities and services.~~

~~(s)(t)~~ (s)(t) “Respite Care” or “Respite” in an Aadult Dday Ccare Ccenter is defined as a service provided to relieve the caregiver.

(s) “Responsible Person” shall mean any person who has assumed the responsibility to manage the affairs and protect the rights of any Participant of a Center. The Responsible Person is not a legal entity, but may be a caregiver or friend and shall in no case be affiliated with the facility, its operations, or its personnel, unless so ordered by a court.

~~(t)(u)~~ (t)(u) “Significant Change” shall mean: a deterioration or improvement in ability to carry out Aactivities of Ddaily Living; a deterioration in behavior or mood to the point where daily problems arise, ~~or relations become problematic~~ or an improvement to the point that these problems are eliminated; or a substantial deterioration in health status or reversal of such condition. Ordinary day-to-day fluctuations in functioning and behavior and acute short-term illness such as a cold are not considered Ssignificant Cchanges unless such fluctuations persist to the extent that a trend is established.

~~(u)(v)~~ (u)(v) “Staff” shall mean any employee, independent contractor, or volunteer included in the minimum Staff ratio, person employed by a center who provides direct or indirect services to the Pparticipants and volunteers who are included in the minimum staff ratio.

(v) “Staff Providing Direct Care” means Staff providing personal or Specialized Alzheimer’s Services to ADRD Participants or Participants with dementia-related disorders, including, but not limited to, Owners, Operators, and Assistant Operators providing such services.

(x) “Staff in Direct Contact” means all Staff who are not Staff Providing Direct Care to residents, but whose duties may require them to interact with ADRD Participants or Participants with dementia-related disorders on a daily basis.

~~(v)(w)~~ “Supervision of Self-administered Medication” shall mean the performance of the following tasks: reminding Pparticipants to take medication at the time indicated on the prescription; opening or closing medication container(s) or assisting in the opening of prepackaged medication; reading the medication label to Pparticipants; observing Pparticipants while they take medication; checking the self-administered dosage against the label of the container; reassuring Pparticipants that they have obtained and are taking the dosage as prescribed; keeping daily records of when Pparticipants received supervision pursuant to this subsection; and immediately reporting apparent adverse effects on a Pparticipant’s condition to the Pparticipant’s physician and responsible person. ~~Supervision of self-administered medication shall not be construed to mean that a center shall~~ No Center is required to provide Supervision of Self-administered Medication such supervision to Pparticipants who are capable of administering their own medication.

~~(z)(x)~~ “Supervision of Staff” shall mean guidance by a qualified person for a Staff member’s performance of job-related functions and activities, with initial direction and periodic on-site inspection of the performance. Supervision of Pparticipants shall mean guidance and care necessary for the health, safety and well-being of Pparticipants.

(aa) “Supportive and Optional Services” shall mean optional activities and services provided by a Center, in accordance with Rule 58A-6.010, F.A.C.

~~(y) “Termination Summary” shall mean a written summary prepared by the center staff at the time of participant termination and documenting services which the participant has received, and which includes any treatment provided, results, reasons for termination and recommendations for the participant’s continued care.~~

~~(bb)(z)~~ “Transportation Services” shall mean the conveyance conveying of Pparticipants between the Center and a designated location, as well as to and from services provided directly or indirectly by the facility. No Pparticipant’s transportation to and from a designated location and the Center shall exceed two 1-1/2 hours if the transportation is provided or arranged by the Center.

~~(cc)(aa)~~ “Volunteer” shall mean an individual not on the payroll of the Adult Day Care Center, whose qualifications shall be determined by the Center, for whom a written job description, and Orientation and Training Plan plan of orientation and training shall be provided and implemented. Rulemaking Authority 429.929 FS. Law Implemented 429.901, 429.918, 429.929 FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.02, 10A-6.002, 59A-16.002, Amended 11-9-95, 3-29-98, 10-23-01, _____.

58A-6.003 Licensure Application Procedures.

~~(1)(4)~~ A license issued for the operation of a Center, unless sooner suspended or revoked, shall expire two years from the date of issuance.

~~(2)(5)~~ All Applicants for Licensure Owners or operators of adult day care centers subject to licensure shall submit a completed application for a license through the Agency for ~~Health Care Administration~~, 2727 Mahan Dr., Tallahassee, FL 32308. The Health Care Licensing Application, Adult Day Care Center, AHCA Form 3180-1004, Revised May 2013, Licensure Application for Adult Day Care Center, ADCC Form 1, dated December 2003, and Health Care Licensing Addendum, AHCA Form 3110-1024, Revised August 2010, which are is hereby incorporated by reference, may be obtained from the Agency’s for Health Care Administration, Adult Day Care Program, 2727 Mahan Drive, Tallahassee, Florida 32308. The application package may be also obtained from the Agency’s AHCA Website at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Assisted_Living/adcc.shtml http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_Living/adee.shtml. Attached to the application shall be:

(a) A check or money order made payable to the Agency AHCA for payment of the licensure fee. The biennial licensure fee shall be \$150 per Center. ~~Each separate premise shall be licensed as a separate facility.~~

~~(b) Documentation of adequate liability insurance coverage, as defined in Section 624.605, F.S., that remains in force at all times. Such documentation must be issued by the insurance company and must include the name and street address of the Center, a reference that the facility is an Adult Day Care Center, the Center’s licensed capacity, and the dates of coverage. For centers with seven or more participants, proof of liability insurance coverage of \$100,000 per participant for bodily injury and \$300,000 per occurrence for the center, and proof of liability insurance coverage of \$100,000 per participant for bodily injury and \$300,000 per occurrence for the vehicle if transportation services are provided by the center. For centers with six or less participants, proof of liability insurance coverage of \$50,000 per participant for bodily injury and \$150,000 per occurrence for the center, and proof of liability insurance coverage of \$50,000 per participant for bodily injury and \$150,000 per occurrence for the vehicle(s) if transportation services are provided by the center.~~

(c) Proof of compliance with background screening requirements pursuant to Sections 408.809 and 429.919, F.S.

~~(3)(6)~~ The Agency shall notify a licensee electronically or by mail delivery at least 90 120 days before the expiration date of the Center’s license. Applications for relicensure must be submitted to the Agency at least 60 days but no more than 120 90 days before the expiration date of the existing license. Failure to file a timely renewal application will result in the assessment of a fine of \$75.00 pursuant to Section 429.913(1)(b), F.S., being assessed against the center.

~~(4)(7)~~ The Agency AHCA shall schedule and conduct an assessment and evaluation inspection survey of the applicant Center, in accordance with this rule chapter.

Rulemaking Authority 429.929 FS. Law Implemented ~~408.809, 429.907(3), 429.909, 429.913(1)(b), 429.919, 429.929, 435.04(5), 429.911(3)~~ FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.03, 10A-6.003, 59A-16.003, Amended 11-9-95, 3-29-98, 10-23-01, 2-19-04, 6-16-08, _____.

58A-6.006 Governing Authority, Administration and Staffing.

(1) The Center shall have a Governing Authority which shall establish policies in compliance with this rule chapter. Governing Authority, as defined in this rule chapter, may consist of ~~as few as one~~ or more people ~~person~~, and designation of its membership or composition shall be determined by the Owner or Operator. The Governing Authority shall be responsible for ensuring compliance with standards requiring that:

(a) Admission criteria shall be determined by the Owner, Operator or Governing Authority and it may limit Pparticipant eligibility to adults with Functional Impairments, in need of a protective environment or a program of therapeutic social and health activities and services as defined in this rule chapter.; ~~and The Owner or Operator will~~ assure that the admission of each Pparticipant shall be made reviewed under the supervision of the owner or operator within the confines of specific requirements set forth below:

1. Within forty-five days prior to admission to the Center, each person applying to be a Pparticipant shall provide a statement signed ~~within said forty five days~~ by a physician, a Florida licensed health care provider under the direct supervision of a physician, physician or a county public health unit. The statement must be signed within forty-five days prior to admission to the Center, and must state that the applicant is free documenting freedom from tuberculosis in the communicable form and documenting freedom free from signs and symptoms of any other communicable disease. Any Pparticipant who is diagnosed as having a communicable disease shall be excluded from participation until deemed non-infectious. However, Pparticipants who have Human Immunodeficiency Virus (HIV) infection may be admitted to the Center, provided that they would otherwise be eligible according to this rule.

2. No Pparticipant shall be admitted or retained in a Center if he or she requires the required services from the Center that are beyond those that the Center is licensed to provide.

3. No Pparticipant who requires medication during the time spent at the Center and who is incapable of self-administration of medications shall be admitted or retained unless there is a Staff member ~~person~~ licensed according to Florida law to administer medications who will provide this service. A person licensed according to Florida law includes; a physician licensed under Chapters 458 and 459, F.S.; an advanced registered nurse practitioner certified under Chapter 464, F.S.; a dentist licensed under Chapter 466, F.S.; a registered nurse; or licensed practical nurse licensed under Chapter 464, F.S.; or a physician's assistant, licensed under Chapter 458, F.S.

(b) Provision is made for a safe physical plant equipped and staffed to maintain the Center and services provided as defined in this rule chapter.

(2) The Governing Authority shall ascertain that the Owner or Operator or the designated responsible person shall be on the premises during the Center's hours of operation.

(3) Each Center shall comply with all standards, rules and regulations and shall be under the administrative control of the ~~licensed owner or O~~perator or Assistant Operator an agent designated in writing by the owner or operator as having full responsibility and authority for the daily operation of the facility. The ~~owner or O~~perator may supervise more than one Center, provided that a qualified, responsible Assistant Operator, duly appointed in writing, ~~and~~ is in charge of each facility during the Operator's absence.

(4) The Center shall employ qualified Staff to provide the services, personal assistance and safety measures required by the Pparticipants.

(5) The Owner or Operator shall:

(a) Develop a written job description for each ~~center~~ Staff member containing a list of qualifications, duties, responsibilities and accountability required of each Staff member.

(b) Establish and maintain a personnel file for each Staff member to include:

1. Name, home address, phone number;
- ~~2. Name, address and phone number of physician(s) to be contacted in case of emergency;~~
- ~~3. Name, address and phone number of person(s) to be contacted in case of emergency;~~
- ~~2.4.~~ Education and experience;
- ~~3.5.~~ Job assignment ~~and salary~~;
- ~~4.6.~~ Evaluation of performance at least yearly;
- ~~5.7.~~ Dates of employment and termination;
- ~~6.8.~~ Character references, including which include former employers and supervisors;

~~7.9. A signed statement from a Florida licensed physician, a Florida licensed health care provider under the direct supervision of a physician, physician or a county public health unit, that the employee is free from tuberculosis in a communicable form, and free from apparent signs and symptoms of other communicable diseases within 45 days prior to beginning work in the Center. The statement must be signed within forty-five days prior to beginning work in the Center. In accordance with Section 760.50, F.S., a center shall not exclude a potential employee who is infected with human immunodeficiency virus who would otherwise meet the conditions of employment.~~

8. Training certificates or copies of training certificates as required by Section 58A-6.016(7), F.A.C.

(6) The Owner or Operator also shall also be responsible for the administration of all components of the facility and accountable for the implementation and enforcement of all policies and procedures, standards of care, and program development in accordance with the social, physical and mental capabilities and needs of the Participants served.

(7) The Owner or Operator shall ensure assure that each employee shall:

- (a) Maintains personal cleanliness and hygiene;
- (b) Refrains from abusive, immoral or other unacceptable conduct such as the use of alcohol, illegal use of narcotics or other impairing drugs, and behavior or language which may be injurious to Participants;
- (c) Any employee Who is diagnosed as having a communicable disease after beginning work in the Center shall be excluded from working until deemed non-infectious in the work setting;-

(8) The Owner or Operator or ~~designated administrator~~ Assistant Operator shall be responsible for enforcing the following minimum personnel staffing for Adult Day Care Centers and shall designate substitute Staff to be available in emergencies.

- (a) A minimum Staff ratio of one Staff member who provides direct services for every six 6 Participants shall be present in the Center at all times.
- (b) No less than two 2 Staff members, one of whom has a certification in an approved first aid course and CPR, shall be present in the Center at all times.
- (c) At all times staffing shall be maintained to meet the needs of the Participants as required by the Participant Files, including Centers which serve persons with Alzheimer's disease and related disorders dementias, persons with physical handicaps, or other special target populations.

(d) The Owner or Operator may serve in dual capacity as a registered nurse, occupational therapist, physical therapist, speech-language pathologist, or social worker, if licensed as required by Florida law and qualified to provide such services.

(e) The Owner or Operator may be counted as one of the required Staff members provided the Owner or Operator provides direct services and is included in the work schedule for the Center. However, the Owner or Operator shall not be counted more than once in the Staff/Participant ratio, calculated on the basis of daily census.

(9) Center Staff whose conduct constitutes abuse, neglect, or exploitation of a Participant shall immediately be terminated from employment and shall be reported to the Department of Children and Family Services in accordance with Section 415.103, F.S.

(10) No administrator who has been terminated pursuant to the provisions of subsection (10)(9) shall accept employment in an Adult Day Care Center and no Owner or Operator of a Center shall knowingly employ any person who has been terminated pursuant to subsection (10)(9).

(11) The Governing Authority shall establish policies and procedures to facilitate reporting of abuse, neglect or exploitation as defined in Section 415.102, F.S., and in accordance with Section 415.103, F.S., and shall ensure insure that the statewide toll free telephone number of the Department of Children and Families Central Abuse hotline Registry, accompanied by the words "To Report the Abuse, Neglect, or Exploitation of an Elderly or Disabled Person, Please Call the Toll Free Number 1(800)96-ABUSE" is posted in a prominent place in the Center and made clearly visible.

Rulemaking Authority 429.929 FS. Law Implemented 429.929 , 760.50-FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.06, 10A-6.006, 59A-16.006, Amended 11-9-95, 3-29-98, 10-23-01,

58A-6.007 Participant Care Standards.

(1) The Center shall make a statement or summary statement of policies and procedures for Participant care available to Participants, to the responsible person, to the public, and to each member of the Center Staff. The statement or summary statement shall be displayed in a conspicuous place in the facility.

(2) The Center Staff shall be trained to implement these policies and procedures, as specified in the staff Orientation and Training Plan.

(3) Participant care, policies, and procedures shall ensure that, as a minimum, all Participants admitted to the Center:

- (a) Are informed of provisions for service as evidenced by written acknowledgment from the Participant or responsible party prior to or at the time of admission, and given a statement or summary statement of the Center's policies and procedures, given and an explanation of the Participant's responsibility to comply with these policies and procedures and to respect the personal rights and private property of other Participants;

(b) Are informed, and are given a written statement prior to or at the time of admission and during stay, of services available at the Ceenter, and ~~for~~ any related charges, including ~~charges those~~ for services that are not provided free, ~~or~~ not covered by ~~sources of~~ third party payments, or not covered by the facility's basic per diem rate. This statement shall include the payment, fee, deposit, and refund policy of the Ceenter;

(c) Are promptly informed of substantive changes in policies, procedures, services, and rates;

(d) Are informed during the ~~intake~~ admission process, in writing, of the Ceenter's Comprehensive Emergency Management Plan;

(e) Are informed during the ~~intake~~ admission process of the local emergency management agency's registry of disabled persons who need assistance during evacuations or when in shelters because of physical or mental handicaps and the assistance provided by Ceenter staff to register such persons with the local emergency management agency;

(f) Are allowed to retain the services of their personal physician at their own expense or under a health care plan; are informed assured of the services provided by the Center, and are offered the opportunity to participate in the planning of their care;

(g) Are ~~assured of remaining~~ free from abuse, neglect, and exploitation as defined in Section 415.102, F.S., and free from chemical and physical restraints. Drugs and other medications shall not be used for punishment, ~~for~~ convenience of Staff center personnel, or in quantities that interfere with a Pparticipant's rehabilitation or Activities of Daily Living;

(h) Are given assured privacy in the treatment of their personal and medical records;

(i) Are treated with consideration, respect, and full recognition of their dignity, individuality, and right to privacy;

(j) Are not required to perform services for the Ceenter;

(k) Are permitted to associate and communicate privately with persons of their choice, join with other Pparticipants or individuals within or outside the Ceenter to work for improvements in Pparticipant care, and, upon his or her their request, shall be given assistance in the reading and writing of correspondence;

(l) Are permitted to participate in ~~center activities, and meet with and participate in activities~~ of social, religious, and community, or groups activities of their choice while at the Center, at their discretion.

(m) Are permitted assured of the opportunity to exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any Pparticipant. The Ceenter shall encourage and assist in the exercise of these rights;

(n) Are not the object of discrimination with respect to participation in activities which include recreation, meals, leisure, other social activities because of age, race, religion, sex, or nationality as defined in Title VI of the Civil Rights Act of 1964, or the Americans with Disabilities Act of 1990;

(o) Are not deprived of any constitutional, civil, or legal right solely by reason of admission to the Ceenter;

(p) For protection of the Pparticipants, are allowed to discharge themselves from the Ceenter upon presentation of a request, preferably in writing; or, if the Pparticipant is ~~an~~ adjudicated mental incompetent, upon the written consent of his next of kin, ~~or~~ sponsor, ~~or~~ guardian, or responsible person. However, if assessed by social workers, center Staff, or responsible persons at the time of intake as confused, the Pparticipant shall not be allowed to discharge himself until after the Ceenter notifies the Pparticipant's guardian, spouse, or person having durable power of attorney;

(q) Are informed of the right to report abusive, neglectful, ~~or~~ exploitative or fraudulent practices.

(4) The Ceenter shall not be required to accept or retain any applicant or Pparticipant whose behavior and physical limitations are deemed hazardous to the safety of the individual or other Pparticipants. Such conditions shall constitute a basis for termination of Ceenter participation. Participation may be terminated after reasonable alternatives have failed, and upon written notification of the Pparticipant, guardian and responsible person. ~~Fifteen calendar days shall be allowed for arranging for alternative services for the participant except in cases of emergency as determined by the governing authority of the center.~~

(5) All ADRD Participants involuntarily discharged from a Center designated as a Specialized Alzheimer's services adult day care center pursuant to Section 429.918, F.S., must be:

(a) Informed of any Significant Change in the ADRD participant's condition such as a deterioration or improvement in the ability to carry out Activities of Daily Living; a deterioration in behavior or mood to the point where daily problems arise or an improvement to the point that these problems are eliminated; or a substantial deterioration in health status or reversal of such status, as documented in the ADRD Participant's case file notes;

(b) Informed that the Center is unable to meet the ADRD Participant's needs, as determined by the Owner or Operator;

(c) Provided with an appropriate discharge plan, including suggested transition options for the ADRD Participant to facilitate and ensure continuity of care. Fifteen (15) calendar days shall be allowed for arranging for alternative services for the ADRD Participant except in cases of emergency as determined by the Governing Authority of the Center.

(d) Informed of monthly health assessments and monthly updates, in each ADRD Participant's file regarding the ADRD Participant's status or progress toward meeting the goals indicated in his or her individualized plan of care.

Rulemaking Authority 429.929, ~~429.918(10)~~ FS. Law Implemented ~~252.355~~, 429.929, ~~415.103~~, ~~760.50~~ FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.07, 10A-6.007, 59A-16.007, Amended 11-9-95, 3-29-98, 10-23-01, _____.

58A-6.008 Program Requirements.

(1) Each Center shall offer a planned program of varied activities and services promoting and maintaining the health of Pparticipants and encouraging leisure activities. Opportunities for interaction and communication among Pparticipants shall be available on a daily basis at each Center in order to enhance the Pparticipant's well-being and to maximize individual functioning. Such activities and services shall be available during at least 60 percent of the time the Center is open to Pparticipants and shall be documented in accordance with subsection (5).

(2) The Center shall make available Basic Services as defined in Section 429.901(3), F.S., and Rule 58A-6.009, F.A.C., and may make available other Supportive and Optional Services.

(3) The Center shall provide for family consultation or referral service to community agencies, clinics, or physicians when the Pparticipant or family is observed to be in need of counseling, health, or mental health services.

(4) There shall be a written description of the range of services to be provided to Pparticipants.

(5) A monthly schedule of daily activities shall be maintained on a current basis and displayed in a conspicuous place.

(6) The Center shall provide programs and information to increase the Pparticipant's awareness of the following factors related to emergency preparedness and emergency management:

(a) The registration process for persons who need assistance during evacuations or when in shelter;

(b) The Center's activities and Staff available to assist in Pparticipant's registration efforts; and

(c) The implications of having a Functional Impairment limitation in a disaster.

(7) If a Pparticipant needs assistance when evacuating or when in an emergency shelter, the Center shall register the person with the local emergency management agency as a person with special needs.

Rulemaking Authority 429.929 FS. Law Implemented ~~252.355~~, 429.901(3), 429.929 FS. History—New 7-8-81, Formerly 10A-6.08, 10A-6.008, 59A-16.008, Amended 11-9-95, 3-29-98, _____.

58A-6.009 Basic Services.

(1) To be licensed as an Adult Day Care Center, the following minimum Basic Services shall be provided:

(a) A protective environment that promotes a non-institutional atmosphere where supervision for the health, safety and well-being of adults who have Functional Impairments is provided;

(b) A variety of therapeutic, social and health activities and services which help to restore, remediate, or maintain optimal functioning of the Pparticipants and to increase interaction with others. Examples of such programs include exercise, health screening, health education, interpersonal communication, and behavior modification;

(c) Leisure-time activities or spectator or Pparticipant programs designed to assist Pparticipants' self-expression, enhance self-esteem and provide mental stimulation or social participation. Examples of such programs include opportunities for arts and crafts; daily exercise as can be tolerated by the Pparticipant or as prescribed by the Pparticipant's physician; development of hobbies; excursions or outings to points of interest to the Pparticipants; and other outside activities which may include picnics, and cookouts;

(d) Self-care training activities designed to assist Adults with Functional Impairments ~~functionally impaired adults~~ to restore or maintain the ability to perform Activities of Daily Living;

(e) Rest or period of relaxation or inactivity during the day, that meets the needs of the individual Pparticipants;

(f) Nutritional services or food provided or prepared in a central location in a Center or by formal agreement with a third party; the activities performed and the resources utilized in the planning, processing, preparing, and serving of meals or snacks; nutritional education; and nutritional counseling; ~~and~~

(g) In-facility Respite Care for Adults with Functional Impairments ~~a functionally impaired adult~~ for the purpose of relieving the primary caregiver.

(2) To be licensed as an Adult Day Care Center, the Center shall conduct and document a count of all ADRD Participants present in the Center a minimum of every three hours throughout each day. The count must be reconciled against the Participants' attendance record to ensure Participants are not missing. The Center is responsible for the Personal Supervision of all Participants to ensure the Participants' safety and welfare.

(3)(2) To be licensed as an Adult Day Care Center, the following nutrition services shall be provided by the Center:

(a) Participants attending or in transit to the Center for four or more hours daily shall be served a meal which provides at least one-third of the current Recommended Dietary Allowances (~~RDA~~), of the Food and Nutrition Board, National Academy of Sciences, National Research Council (RDA), adjusted for age, sex and activity. Modified diets, if required, shall meet these nutritional standards to the extent medically possible. Menus approved and provided by Title III-C of the Older Americans Act or the Adult Care Food Program of USDA shall be evidence of meeting the one-third of the RDA requirement.

(b) The dietary allowances shall be met by offering a variety of foods adapted to the food habits, preferences, and physical abilities of the Pparticipants and prepared using by the use of standardized recipes. A copy of the Recommended Dietary Allowances RDA interpreted by a daily food guide shall be available at no cost by writing to the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or the local county public health unit.

(c) Participants in the Center, three 3 hours before the noon meal or two 2 hours after the noon meal, must be provided a snack consisting of at least two 2 servings from the following four food groups: milk, bread or bread alternate, meat or meat alternate, and vegetables or fruits.

(d) When food service is provided by the Center, the following requirements shall be met:

1. The Owner or Operator or person designated by the Owner or Operator shall be responsible for the total food service and the day-to-day supervision of food services Staff.

2. The designated person Owner or Operator shall be responsible for: coordinating food services with other services; developing work assignments; purchasing food; and orienting, training and supervising food service employees.

3. The Owner or Operator or the person designated by the Owner or Operator as responsible for food service shall perform their duties in a safe and sanitary manner, be knowledgeable of foods that meet regular diet requirements, participate in on-going orientation and training, and participate in biennial in-service provided by a rRegistered dDietitian.

4. Menus not approved by or meeting the requirements of Title III-C of the Older Americans Act or the Adult Care Food Program of USDA shall be reviewed by a rRegistered or Florida Licensed dDietitian or a dDietetic tTechnician supervised by a rRegistered or Florida Licensed dDietitian to ensure that the menus are commensurate with the current Recommended Dietary Allowances established by the Food and Nutrition Board National Research Council RDA, adjusted for age, sex and activity. Documentation of review of the menus shall be maintained in the Center files and shall include the signature and registration or license number of the reviewer and date reviewed. Menus shall be kept on file for one year and shall be accessible to Pparticipants and families of Pparticipants.

~~(e) In centers with 17 or more participants, all matters pertaining to food service shall comply with the provisions of Chapter 64E-11, F.A.C.~~

~~(f) In centers with 16 or less participants, the owner or operator shall ensure that food preparation is accomplished in a safe and sanitary manner in accordance with Rules 64E-11.002, Definitions; 64E-11.003, Food Supplies; 64E-11.004, Food Protection; 64E-11.005, Personnel; and 64E-11.007-64E-13.007, F.A.C. Sanitary Facilities and Controls; and that the following minimum conditions shall be met:~~

~~1. The floor surfaces in kitchens, all rooms and areas in which food is stored or prepared and in which utensils are washed or stored shall be of smooth nonabsorbent material and constructed so it can be easily cleaned and shall be washable up to the highest level reached by splash or spray.~~

~~2. The walls and ceilings of all food preparation, utensil washing and hand washing rooms or areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.~~

~~3. Hot and cold running water under pressure shall be easily accessible to all rooms where food is prepared or utensils are washed.~~

~~4. Hand washing facilities, provided with hot and cold running water, shall be located within the food preparation area in new adult day care facilities and adult day care facilities which are extensively altered.~~

~~5. Multi use equipment and utensils shall be constructed and repaired with materials that are non toxic, corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use; and shall not impart odors, color or taste nor contribute to the contamination of food.~~

~~6. All multi use eating and drinking utensils shall be thoroughly cleansed with hot water and an effective detergent, then shall be rinsed free of such solution, then shall be sanitized as defined in Chapter 64E-11, F.A.C.~~

~~7. A three compartment sink or a two compartment sink and a dishwasher with an effective, automatic sanitizing cycle, shall be provided. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils shall be air dried and properly stored.~~

~~8. Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically sealed indicating thermometer accurate to plus or minus three 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units and of such type and so situated that the temperature can be easily and readily observed.~~

~~9. No live animals or fowl shall be kept or allowed in the kitchen or in the dining areas where food is being served, with the exception of dogs assisting persons with disabilities, which are permitted in the dining area.~~

~~(e)(g) If food is catered from outside sources, the catered meals must be prepared in an approved food establishment. No warewashing may take place on-site. Catered food, once delivered to an adult day care facility Adult Day Care Center, must be adequately protected. In order to provide catered meals through a third party, there must be a A copy of the formal contract between the Center licensee and the third party provider containing assurances that the provider will meet all food service and dietary standards ~~should be kept on file.~~~~

~~(f)(h) Duty Assignments for the people person designated by the Owner or Operator as responsible for food service shall be posted in the kitchen area in Centers having five or more food service Staff.~~

Rulemaking Authority 429.929 FS. Law Implemented 429.901(3), 429.929 FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.09, 10A-6.009, 59A-16.009, Amended 11-9-95, 3-29-98.

58A-6.010 ~~Optional~~ Supportive and Optional Services.

In addition to the minimum ~~B~~basic ~~S~~services, the ~~C~~center may choose to provide ~~optional~~ Supportive and ~~Optional~~ ~~S~~services. If provided, such services must be administered by ~~S~~staff qualified to provide such services and within the criteria established by relevant Florida Statutes. The following are examples of such services:

(1) Health or social services such as assessment, counseling, treatment and referral.

(2) Speech therapy provided by or under the supervision of an individual licensed under Chapter 468, Part I, F.S., who has a certification of clinical competence from ~~the~~ American Speech and Hearing Association, and who has completed the equivalent education requirements and work experience necessary for certification, or who has completed the academic program and is acquiring supervised work experience to qualify for the certificate. Progress notes shall be maintained and must be written in the ~~client record~~ Participant's File and signed by the speech therapist as services are provided.

(3) Physical therapy must be provided by, or under the supervision of, an individual who is a graduate of a program of physical therapy approved by both the Council on Medical Education of the American Medical Association and the American Therapy Association, or the equivalent, and licensed by the State. Progress notes shall be maintained and must be written in the Participant's File ~~client's record~~ and signed by the physical therapist as services are provided.

(4) Occupational therapy as an adjunct to treatment of persons with physical and mental limitations must be provided by, or under the supervision of, an individual who is registered by the American Occupational Therapy Association; or a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience required before registration by the American Occupational Therapy Association. Progress notes shall be written in the Participant's File ~~client's record~~ and signed by the occupational therapist as services are provided.

(5) Modified diets or diets based on the normal diet and designed to meet the requirements of a given situation such as altering individual nutrients, caloric values, consistency, flavor, techniques of service or preparation, content of specific foods, or a combination of these factors, may be provided as an optional service. When modified diets are provided, a physician's written or documented oral order for each ~~P~~participant receiving a modified diet shall be on file. A menu including types and amounts of food to serve will be on file in the food service area. Diets shall be prepared and served as ordered by the physician.

(6) Adult day health care services for disabled adults or aged persons, provided the ~~C~~center complies with the following:

(a) Make services available for a minimum of ~~five~~ 5 hours per day ~~five~~ 5 days per week, excluding legally recognized public legal holidays as posted by the facility;

(b) Provide or coordinate, in addition to the ~~B~~basic ~~S~~services specified in Rule 58A-6.009, F.A.C., and Supportive and Optional Services, ~~optional services~~ pursuant to subsections (1), (2), (3), (4) and (5), the following adult day health care services:

1. Medical screening emphasizing prevention and continuity of care which includes routine blood pressure checks or blood glucose diabetic maintenance checks;

2. Nursing services including a configuration of services at different levels of intensity as determined by the nursing assessment, ~~P~~participant ~~C~~care ~~P~~plan, and physician's orders. Services shall include:

a. Health education and counseling including nutritional advice, liaison with the ~~P~~participant's personal physician, and notification of the Participant's physician, as well as the caregiver or family, of any changes in the ~~P~~participant's health status;

b. Coordination of the provision of other health services provided outside the ~~C~~center;

c. Supervision of health services provided by program aides.

3. Social services including: counseling for ~~P~~participants' families and caregivers; compilation of a social history and psychosocial assessment of formal and informal support systems; mental and emotional status; caregiver data; ~~and~~ information on planning for discharge; and referral for persons not appropriate for adult day care.

4. Additional medical services such as dental, ophthalmological ~~ophthalmology~~, optometric, hearing aid, or laboratory services.

5. Transportation Services ~~to and from the adult day health care services~~.

(c) In addition to the minimum staffing required in Chapter 58A-6, F.A.C., provide the following ~~S~~staff:

1. The ~~O~~perator shall: have a minimum of a Bachelor's degree in a health or social services or related field, with one year of supervisory experience in a social or health service setting; ~~or~~ hold a registered nurse license with one year of supervisory experience; or have 5 years of supervisory experience in a social or health service setting.

2. A registered nurse (RN) or licensed practical nurse (LPN) shall be on-site ~~on-site~~ during the primary hours of program operation and on-call ~~on-call~~ during all hours the ~~C~~center is open. Arrangements shall be formalized for obtaining the services of an LPN or RN in anticipation of potential absences, planned and unplanned, of the regular nursing ~~S~~staff. ~~All LPNs must be supervised in accordance with Chapter 464, F.S.~~

3. A social worker with a minimum of a Bachelor's degree in social work; or a case worker with a minimum of a Bachelor's degree in sociology, psychology, or nursing, or gerontology, or a Bachelor's degree with at least two 2 years of experience in a human service field. Services provided by program aides in this service area must be provided under the direct supervision of a social worker or ~~of a~~ case manager who meets or exceeds these standards (e.g., a Master's degree in a related field).

4. An activity director or Recreational Therapist with a Bachelor's degree in a social or health service field or an Associate's degree in a related field plus 2 years of experience. All services provided by program aides must be provided under the direct supervision of the activity director or recreation therapist. The ~~certified~~ recreation therapist may be retained as a consultant.

(d) Documentation of services provided under this section must be in the Participant Care Plan and stored in the Participant File participants' files. Participant Care PPlans must be reviewed at least quarterly by a multidisciplinary team. At a minimum, narrative nursing, social work, and activity notes must be entered in the participant's record quarterly, indicating the Pparticipant's progress toward achieving health goals. More frequent notes are required if indicated by the Pparticipant's condition.

(e) Centers providing adult day care or adult day health care services to Medicaid clients through a Medicaid waiver must also ~~comply with the following:~~

1. Be enrolled as a Medicaid provider through the ~~Agency's for Health Care Administration's~~ Medicaid office.

2. Have a current authorization for services from an enrolled Medicaid waiver case manager. Case managers in a specific waiver program will authorize adult day health care ADHC services for enrolled waiver recipients. Those adult day health care ADHC providers must also be enrolled in the same waiver as those for whom services are authorized.

3. Comply with all provisions of the program and Medicaid waiver requirements.

Rulemaking Authority 429.929 FS. Law Implemented 429.929 FS. History—New 7-8-81, Formerly 10A-6.10, 10A-6.010, 59A-16.010, Amended 11-9-95, 3-29-98, _____.

58A-6.011 Participant and Program Data, Comprehensive Emergency Management Plan.

(1) The Owner or Operator shall establish, maintain and make available and ready for immediate use to the Agency AHCA, complete and accurate social, medical and fiscal records which fully disclose the extent of services to be maintained by the Center and for the periods of time required by State and Federal law.

(2) The Participant File shall include a Participant Data Sheet which shall be completed for each Pparticipant within forty-five days prior to or twenty-four hours after admission to the Center and which shall include:

(a) Full name, birthday, address;

(b) Date admitted as a Pparticipant and services to be provided;

~~(c) Social security number;~~

~~(c)(d)~~ Next of kin, and address and phone number of such person;

~~(d)(e)~~ Guardian or Responsible Person and address and phone number of that person. ~~Responsible Person shall mean any person who has assumed the responsibility to manage the affairs and protect the rights of any participant of the center. The responsible person is not a legal entity, but may be a caregiver or friend and shall in no case be affiliated with the facility, its operations, or its personnel, unless so ordered by the court;~~

~~(e)(f)~~ Medicaid and Medicare Pidentification and other health insurance numbers;

~~(f)(g)~~ Emergency contact person, home or office address and phone numbers of such person;

~~(g)(h)~~ Name and telephone number of attending physician to be contacted when there appears to be significant deviation from normal appearance or state of well-being of a Pparticipant; and physician's or hospital discharge statement no older than forty-five days indicating prescribed medications and dosage which is and updated as changes are made by physicians or, until a statement is received, a dated and signed statement by the Pparticipant, ~~or~~ guardian or responsible person, stating that specific medication may be given as ordered by the attending physician; notation of physical and emotional conditions requiring care and ~~of~~ medications administered; diet and mobility restrictions; and a statement that the Pparticipant is free from tuberculosis in a communicable form;

~~(h)(i)~~ The Participant File shall be updated when there is a Significant Change in the Pparticipant, or at least quarterly;

~~(i)~~ The Owner or Operator or Staff designated by the Owner or Operator shall review and approve each Pparticipant care plan.

(3) The Operator shall be responsible for the recording, reporting and availability of Pparticipant data, including or those records required for each Center Pparticipant, and program data, including or those records required for services made available to and provided to Pparticipants by the Adult Day Care Center. Such records which shall include:

(a) Number of Pparticipants enrolled to current date;

(b) Average Daily Attendance as defined in this rule chapter, based upon attendance through the end of the preceding month;

(c) Hours of travel time current through the previous month, if the Transportation Services are, as defined in this rule chapter, is provided or arranged by the Center. Hours of daily attendance shall exclude transportation time to and from the center;

(d) Business hours of operation shall be posted in a conspicuous place. Business hours shall mean a time period established by the Ceenter, as defined in its policies, and shall be no less than five hours per day on week days of Ceenter operation and may include a reduced schedule of weekend hours.

(4) Documentation shall be made of services, medication and special diets provided or administered to the Participants and shall be kept current in the Pparticipant's File record. Such documentation ~~Documentation~~ shall consist of ~~mean~~ a written, signed and dated notation or statement.

(5) A record shall be kept of Sstaff assignments.

(6) If the Ceenter accepts fee-for-service Pparticipants, there shall be a signed agreement documenting the amount of fee, hours and days of attendance, services to be provided, and frequency of payment. This agreement shall be signed by the center Owner, or Operator, or the Owner or Operator's designee, the Pparticipant or Responsible Pperson, and recorded in the Pparticipant's record File. Financial records shall be maintained and shall be current through the last payment period.

(7) A written record shall be kept of Mmajor Iincidents affecting Pparticipants, Staff employees, Vvolunteers or the program of the Ceenter.

(8) Major Iincidents, as defined in this rule chapter shall be reported to the Agency AHCA immediately. Reports shall be made by the individual having first-hand knowledge of the incident and performing functions and responsibilities as an authorized agent agency and may include paid, emergency and temporary Sstaff, Vvolunteers and student interns.

(9) In case of emergency, such as acute illness, if family or a Rresponsible Pperson cannot be reached, a signed release shall be on file stating that the Pparticipant may be sent to the nearest hospital emergency room for treatment.

(10) Pursuant to Section 429.929(1)(g), F.S., as a part of the licensure process, each Ceenter shall develop and follow a written Comprehensive Emergency Management Plan for emergency care during an internal or external disaster in accordance with Emergency Management Planning Criteria for Adult Day Care Facilities, dated July 2001, incorporated by reference.

(a) The Comprehensive Emergency Management Plan shall include the following:

1. Provisions for both internal and external disasters and emergencies which could include hurricanes, tornadoes, fires, power outages, floods, bomb threats, acts of terrorism, bio-terrorism, hazardous materials and nuclear disasters.

2. Provisions for care and services to Pparticipants during the emergency including: pre-disaster ~~or~~ preparation, notification of family members or responsible parties, securing the Ceenter, supplies, staffing and emergency equipment.

3. Provisions for care and services, including emergency evacuation transportation, to Pparticipants who must remain in the Ceenter and those who must evacuate during the emergency ~~including emergency evacuation transportation~~.

4. Identification of Sstaff positions responsible for implementing each aspect of the Pplan.

5. Identification of and coordination with designated agencies including the Red Cross and the local county emergency management agency office.

6. Post-disaster activities including responding to family inquiries, obtaining necessary emergency medical attention or intervention for Pparticipants, transportation and re-entry to the Ceenter.

(b) The Pplan shall be available for immediate access by Ceenter Sstaff.

(c) The initial Plan shall be reviewed by the local Emergency Management Agency to ensure compliance with the Emergency Management Planning Criteria for Adult Day Care Facilities, dated July 2001.

(d) The local county emergency management agency has 60 days in which to review and determine if the Pplan satisfies the Emergency Management Planning Criteria or advise the Ceenter of necessary revisions. Any revisions must be made and resubmitted to the local county emergency management agency within 30 days of receiving notification from the local emergency management county agency that the Pplan must be revised.

(e) The Ceenter shall review and update its Plan on an annual basis. The Plan shall be submitted annually, or more often if needed, to the local eEmergency mManagement aAgency.

(11) Fire safety protection shall be governed by the local fire code applicable to Adult Day Ceare Ceenters. In areas where no local fire code applies, the standards contained in Chapter 69A-40, F.A.C., Uniform Fire Safety Standards for Assisted Living Facilities, may be used to determine compliance with fire safety standards. In every instance, a Ceenter shall comply with local and state standards before a license may be issued.

(a) A fire evacuation drill shall be conducted once a month for the center Sstaff and once every three months for Pparticipants;

(b) A written record of each fire drill, indicating the date, hour and general description of each drill, the extent of Sstaff involvement, and the name of the person in charge shall be maintained and available for review;

(c) Evacuation routes shall be posted conspicuously in the Ceenter.

Rulemaking Authority 429.929 FS. Law Implemented 429.929 FS. History--New 7-8-81, Amended 2-27-84, Formerly 10A-6.11, 10A-6.011, 59A-16.011, Amended 11-9-95, 3-29-98, 10-23-01, _____.

58A-6.013 Physical Plant, Sanitary Conditions, Housekeeping Standards and Maintenance.

(1) The Ceenter shall provide adequate, safe and sanitary facilities appropriate for the services provided by the Ceenter and for the needs of the Pparticipants. All Ceenters receiving federal funds shall meet regulations for access to the handicapped in compliance with the Americans With Disabilities Act of 1990.

(2) The ~~P~~participant ~~C~~capacity shall be determined by the total amount of ~~N~~et ~~F~~loor ~~S~~pace available for all of the ~~P~~participants. Centers licensed prior to the effective date of this rule shall provide 30 square feet of net floor area per ~~P~~participant. For ~~C~~enters initially licensed after November 9, 1995, there shall ~~be not be~~ less than 45 square feet of net floor area per ~~P~~participant. Centers shall be required to provide additional floor space for special target populations to accommodate activities required by ~~P~~participant care plans.

(3) ~~The Participant Capacity of facilities~~ Facilities that are exempt from licensure as an Adult Day Care Center pursuant to Section 429.905, F.S., shall be determined by the total amount of Congregate Space available to the Participants. ~~Such Facilities shall utilize separate space over and above the minimum requirement needed to meet their own licensure certification approval requirements. Only congregate space shall be included in determining minimum space. For purposes of this rule, congregate space shall mean climatically controlled living rooms, dining rooms, specialized activity rooms, or other rooms to be commonly used by all Pparticipants.~~

(4) The ~~C~~enter shall have available and shall make accessible to the ~~Agency~~ AHCA written policies and procedures for the cleaning of the physical plant and equipment and for ~~the its~~ maintenance of such.

(5) Center facilities shall consist of, but not be limited to, the following:

- (a) Bathrooms;
- (b) Dining areas;
- (c) Kitchen areas;
- (d) Rest areas;
- (e) Recreation and leisure time areas.

(6) A private area shall be available for the provision of first aid, special care and counseling services when provided, or as necessary for other services required by ~~P~~participants. This area shall be appropriately furnished and equipped.

(7) Each ~~P~~participant shall be provided with adequately padded, clean, comfortable seating, with support meeting the needs of each ~~P~~participant. Rest areas shall be provided for at least one-fourth of the ~~P~~participants who are present for four or more hours a day, or as needed by the Participants. ~~Seating options may include or additional as needed by the Pparticipants:~~

- (a) Bed and mattress, or
- (b) Recliner, or
- (c) Sofa, or
- (d) Chair with back and arm support.

(8) Bathrooms shall be ventilated and have hot and cold running water, supplying hot water at a minimum of 105 degrees Fahrenheit and a maximum of 115 degrees Fahrenheit. Facilities licensed prior to the effective date of this rule are exempt from the requirement for hot running water only.

(9) Recreation and leisure time areas shall be provided where a ~~P~~participant may read; and engage in socialization or other leisure time activities. The recreation areas also may be utilized for dining areas.

(10) All areas used by ~~P~~participants shall be suitably lighted and ventilated and maintained at a minimum ~~minimal~~ inside temperature of 72 degrees Fahrenheit F, when outside temperatures are 65 degrees Fahrenheit F or below, and all areas used by ~~P~~participants must not exceed 90 degrees Fahrenheit F. Mechanical cooling devices must be provided when indoor temperatures exceed 84 degrees Fahrenheit F. The facility shall have a thermometer which accurately identifies the temperature.

(11) The kitchen or food preparation areas shall comply with subsection 58A-6.009~~(2)~~(3), F.A.C.

(12) Medicines, cleaning supplies, flammables and other potentially poisonous or dangerous supplies shall be stored out of the ~~P~~participant's reach, and in such manner as to ensure the safety of ~~P~~participants.

(a) No prescription drug shall be brought into the ~~C~~enter unless it has been legally dispensed and labeled by a licensed pharmacist for the person for whom it is prescribed.

(b) Participants who can self-administer medications may bring and be responsible for their own medications.

(c) Medications shall be centrally stored when:

1. The preservation of medicines requires refrigeration;
2. Medication is determined, and documented by the physician, to be hazardous if kept in the personal possession of the person for whom it was prescribed;

3. Because of physical arrangements and the conditions or habits of other persons in the ~~C~~enter, the medications are determined by the ~~O~~perator or physician to be a safety hazard to others.

(d) Centrally stored medications shall be:

1. Kept in a locked cabinet or container,; and refrigerated, if required;

2. Accessible only to the authorized ~~S~~taff responsible for distribution of medication;

3. Located in an area free from dampness and abnormal temperatures.

(e) Each container of medication shall be labeled according to state law, and shall include the name of the person for whom it is prescribed, the name of the drug, and instructions for use.

(f) No person other than the dispensing pharmacist shall:

1. Alter the prescription label;
2. Transfer medication from one storage container to another.

(g) Prescription medications which are not taken with the person upon discharge shall be destroyed or disposed of by the ~~center~~ ~~O~~perator or designee in the presence of one other ~~S~~taff member. ~~Both shall verify in the participant's record, listing the prescription number, the name of the pharmacy, the drug name, strength and quantity destroyed and the date destroyed. Such records shall be maintained by the center for at least three years.~~

(h) There shall be a ~~S~~taff person available at all times who has access to the centrally stored medications and is responsible for the distribution thereof ~~of centrally stored medications.~~

(i) The container of centrally stored medication shall be given to the Participant ~~person~~ for whom it is prescribed, at the time indicated by the prescription, for the Pparticipant to take as prescribed.

(j) In no instance shall a medication prescribed for one person be taken by any other person.

(k) In no instance shall medication be administered by a person other than one licensed, according to Florida law, to administer medication including a physician, a dentist, a nurse, or a physician's assistant.

(13) Centers that provide their own laundry services shall have a sufficient area and the appropriate equipment for the laundry to be processed by the Ccenter.

(14) Furniture to be used by Pparticipants shall be sturdy, clean, comfortable and in good repair ~~designed for participant use~~.

(15) Every Ccenter shall be maintained for the comfort and safety of the Pparticipants. Centers providing their own maintenance shall have an effective written maintenance plan that ensures which will assure preventive maintenance as well as immediate attention to and correction of hazardous or potentially hazardous conditions. The plan shall provide for:

(a) Keeping the building in good repair and free of hazards such as: cracks in floors, walls, or ceilings; warped or loose boards, tile, linoleum, handrails or railings; broken window panes; and any similar hazards.

(b) Keeping all heating, air conditioning, electrical, mechanical, water supply, fire protection and sewage disposal systems in a safe and functioning condition. Electrical wiring cords and appliances shall be maintained in a safe condition. Emergency generators, where existing, shall be tested monthly.

(c) Keeping all plumbing fixtures in good repair, properly functioning and satisfactorily provided with protection to prevent infiltration and contamination of ~~from entering~~ the water supply.

(d) Painting the interior and exterior of the building as needed to keep it reasonably attractive. Loose, cracked or peeling wallpaper or paint shall be promptly replaced or repaired to provide a satisfactory finish.

(e) Keeping all furniture and furnishings clean and in good repair.

(f) Keeping the grounds and buildings in a safe, sanitary and presentable condition. Grounds and buildings shall be kept free from refuse, litter, and insect and rodent breeding areas.

(16) A ~~space use~~ change in space usage that increases or decreases the ~~center's~~ Pparticipant Ccapacity shall not be made without prior approval from the Agency's ~~AHCA~~ central office, which shall ensure that such space use change would not place a Ccenter out of compliance with standards contained in this chapter.

Rulemaking Authority 429.929 FS. Law Implemented 429.929 FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.13, 10A-6.013, 59A-16.013, Amended 11-9-95, 3-29-98,_____.

58A-6.015 Adult Day Care Center Staff Employee Training Requirements.

(1) Each Aadult Dday Ccare Ccenter licensed under Part III of Chapter 429, F.S., shall provide ~~that; adult day care center employees receive~~ the following training.

(a) All Staff in Direct Contact and Staff Providing Direct Care shall receive one Completion of the required initial ~~one~~ hour of training after June 30, 2004, which shall satisfy the requirement referenced in subsection 429.917(1)(b), F.S. The curriculum for the ~~i~~Initial one-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease and Related Disorders;

2. Characteristics of Alzheimer's Disease and Related Disorders; and

3. Communicating with Pparticipants with Alzheimer's Disease or Related Disorders.

(b) All Staff Providing Direct Care shall receive Completion of the required three hours of additional training after June 30, 2004, which shall satisfy the requirement referenced in subsection 429.917(1)(c), F.S. The curriculum for the three hours of additional training must address the following subject areas as they apply to Alzheimer's Disease and Related Disorders:

1. Behavior management;

2. Assistance with Aactivities of Ddaily Hlife Living to promote the patient's independence;

3. Activities for Pparticipants;

4. Stress management for the caregiver ~~care giver~~;

5. Family issues;

6. Participant environment; and

7. Ethical issues.

(c) All training providers and their curricula must be approved by the Department or its designee prior to the commencement of training activities pursuant to this Rule.

~~(e) A detailed description of the subject areas that shall be included in a curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document Training Guidelines for the Special Care of Adult Day Care Center Participants with Alzheimer's Disease or Related Disorders, September 2003, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399 7000.~~

~~(d) Persons who seek to provide Alzheimer's Disease or Related Disorders training in accordance with this subsection shall provide the Department of Elder Affairs or its designee documentation that they hold a Bachelor's degree in a health care, human service, or gerontology related field from an accredited college or university or hold a license as a registered nurse, and:~~

~~1. Possess teaching or training experience as an educator of caregivers care givers for persons with Alzheimer's Disease or Related Disorders; or~~

~~2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or~~

~~3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.~~

~~(e) With reference to requirements in paragraph (d), years of teaching experience or training as an educator of caregivers care givers for persons with Alzheimer's Disease or Related Disorders may substitute on a year by year basis for the required Bachelor's degree. A Master's degree from an accredited college or university in a subject related to health-care, human service, or gerontology can substitute for the teaching or training experience referenced in paragraph (d).~~

(2) An Adult Day Care Center Staff member employee who has successfully completed training and continuing education consistent with the requirements of Section 429.178, F.S., or completed training consistent with the requirements of Section 400.1755 or 400.6045, F.S., shall be considered as having met the training requirements of this rule.

(3) All training required by this rule and Section 429.917, F.S., must be completed only once for each applicable employee.

Rulemaking Authority 429.917(1), FS. Law Implemented 429.917(1) FS. History--New 1-1-04, Amended _____.

58A-6.0151 Specialized Alzheimer's Services Adult Day Care Center Staff Training Requirements.

(1) The following terms are defined in Section 429.918, F.S., and are applicable to this rule section: ADRD Participant, Dementia, Specialized Alzheimer's Services, and Therapeutic Activity.

(2) Within three months of employment, all Staff in Direct Contact and Staff Providing Direct Care at a Center designated as a Specialized Alzheimer's services adult day care center pursuant to Section 429.918, F.S., and hired on or after July 1, 2012, must obtain four hours of Alzheimer's disease and related disorders training pursuant to Section 58A-6.015(1) F.A.C.

(3) Within six months of employment, all Staff Providing Direct Care at a Center designated as a Specialized Alzheimer's services adult day care center pursuant to Section 429.918, F.S., and hired on or after July 1, 2012, must obtain an additional four hours of dementia-specific training approved by the Department. The curriculum for the additional four hours of training must address the following subject areas as they apply to Alzheimer's disease and related disorders:

- a. understanding brain disease
- b. normal brain functions and normal aging
- c. understanding treatable and irreversible dementia
- d. mental status tests
- e. communication and the effects of damage to brain cells
- f. influences on behavior and brain deterioration
- g. interventions
- h. physical causes and pain indications
- i. common Alzheimer's disease and related disorders medications & side effects
- j. malnutrition & dehydration
- k. activities of daily living - routines and schedules
- l. validation therapy
- m. safety - new and proven technologies
- n. caregiver stress management - physical, emotional, and financial; burden tests

(4) All training providers and their curricula must be approved by the Department or its designee prior to the commencement of training activities pursuant to this Rule.

(5) All Staff Providing Direct Care shall participate in four hours of continuing education annually in topics related to Alzheimer's disease and related disorders.

(6) All training required by this rule and Section 429.918, F.S., must be completed only once for each applicable employee.

Rulemaking Authority 429.918(6)(b), 429.929(1), FS. Law Implemented 429.918(6)(a) FS. History--New _____.

58A-6.016 Adult Day Care Center Training Provider and Curriculum Approval.

(1) Persons seeking approval as an adult day care Alzheimer's disease or related disorders ~~Disease or Related Disorders~~ training provider, pursuant to Sections 429.917 and 429.818, F.S. and Rules 58A-6.015 and 58A-6.0151, F.A.C., shall:

(a) provide the Department of Elder Affairs or its designee documentation that he or she holds a Bachelor's degree in a health-care, human service, or gerontology-related field from an accredited college or university, or holds a license as a registered nurse; and

1. Possess teaching or training experience as an educator of caregivers for persons with Alzheimer's Disease or Related Disorders; or

2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or

3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.

4. With reference to the requirements contained in subparagraphs (a)(1)-(3), years of teaching experience or training as an educator of caregivers for persons with Alzheimer's Disease or Related Disorders may be substituted on a year-by-year basis for the required Bachelor's degree. A Master's degree from an accredited college or university in a subject related to health care, human service, or gerontology may be substituted for the teaching or training experience referenced in subparagraphs (a)(1)-(3).

(b) complete DOEA form ADC/ADRD-001, Application for Adult Day Care Alzheimer's Disease or Related Disorders Training Provider Certification, dated ~~August 2014~~ September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(2) Persons seeking to obtain approval of an the adult day care Alzheimer's disease or related disorders ~~Disease or Related Disorder~~ curriculum pursuant to Rule 58A-6.015, F.A.C. shall complete DOEA form ADC/ADRD-002, Application for Adult Day Care Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated ~~August 2014~~ September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. ~~Approval must be obtained from the Department or its designee for the training provider and the training curriculum prior to commencing training activities. Approval of the training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or its designee for re-approval.~~

(3) Persons seeking to obtain approval of a specialized Alzheimer's services adult day care center curriculum pursuant to Rule 58A-6.0151, F.A.C. shall complete DOEA form SAADC/ADRD-003, Application for Specialized Alzheimer's Disease Adult Day Care Three-Year Curriculum Certification, dated August 2014.

(4) Approval of training providers and the training curricula must be obtained from the Department or its designee prior to commencing training activities. Approval of training curricula shall expire after three years, whereupon training curricula must be re-submitted to the Department or its designee for re-approval.

(5)(2) Upon receipt of a the training provider's or a the training curriculum application, the Department or its designee shall respond in writing within 30 calendar days in one of the following ~~three~~ ways:

(a) Notify the applicant that the application is approved or not approved. If an application is not approved, the Department or its designee shall respond in writing indicating the reasons for not approving the application and describing the information or documentation needed for approval;

(b) Request additional information from the applicant in order to make a determination. Requested information omitted from an application shall be filed with the Department or its designee within 90 days of the Department's or its designee's request for omitted information, or the application shall be deemed incomplete, and shall be withdrawn from further consideration. Once the additional information has been received by the Department or its designee the Department or its designee will have 30 calendar days to make a determination; or

(c) Notify the applicant that an additional 30 calendar days is needed to review the application and make a determination.

(6) Upon notice of approval from the Department or its designee, the applicant may be identified as an approved training provider or as having an approved training curriculum as indicated by the Department or its designee. The Department or its designee shall maintain a list of approved training providers and training curriculum and provide a list of approved training providers to all interested parties upon request.

(7)(3) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title and topics covered by ~~of~~ the training and the Department of Elder Affairs curriculum approval number, the number of hours of training, the Participant's name, dates of attendance, location, the training provider's name and the Department of Elder Affairs training provider's approval number, and dated signature. The training provider's signature on the certificate shall serve as documentation that the training provider has verified that the trainee has completed the required training pursuant to Sections 429.917, and 429.918, F.S.; and Rules 58A-6.015, and 58A-6.013, F.A.C.

(8)(4) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(9)(5) Training providers and training curricula which are approved consistent with the provisions of Sections 429.178, 400.1755 and 400.6045, F.S., shall be considered as having met the requirements of this rule.

(10)(6) Certificates or copies of certificates of any training required by this rule shall be documented in the center's facility's ~~facility's~~ personnel files. Rulemaking Authority 429.917(1)(g), 429.918(6)(b) FS. Law Implemented 429.917(1), 429.918(6)(a) FS. History—New 1-1-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jason Nelson
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Samuel P. Verghese
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 18, 2012

Section III
Notice of Changes, Corrections and Withdrawals

NONE

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:
11B-20.0014 Minimum Requirements for High-Liability and Specialized Instructor Certifications
The Criminal Justice Standards and Training Commission hereby gives notice:
On February 5, 2015, pursuant to notice, at a meeting held in Destin, Florida the Commission considered a petition for a permanent waiver of subparagraph 11B-20.0014(3)(a)4., F.A.C., by Kevin A. Angelilli. After careful consideration of the facts in this matter, the Commission found that Petitioner had demonstrated an economic, technological, legal, or other type of hardship resulting from an application of subparagraph 11B-20.0014(3)(a)4., F.A.C., that was particular to petitioner, significantly different from the way the rule affects other similarly situated persons and issued an order granting Petitioner’s petition for a permanent waiver of subparagraph 11B-20.0014(3)(a)4., F.A.C.
A copy of the Order or additional information may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District
RULE NO.: RULE TITLE:
40D-22.201 Year-Round Water Conservation Measures
The Southwest Florida Water Management District hereby gives notice:
That on February 9, 2015, it has granted a petition for variance.
Petitioner’s Name: City of Safety Harbor North City Park - File Tracking No. 15-4205
Date Petition Filed: December 3, 2014
Rule No.: 40D-22.201, F.A.C.
Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation
Date Petition Published in the Florida Administrative Register: December 8, 2014
General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.
A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, extension 2047, water.variances@watermatters.org.

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District
RULE NO.: RULE TITLE:
40D-22.201 Year-Round Water Conservation Measures
The Southwest Florida Water Management District hereby gives notice:
That on February 9, 2015, it has denied a petition for variance.
Petitioner’s Name: Faith Lutheran Church, Inc. - File Tracking No. 15-4203
Date Petition Filed: November 3, 2014
Rule No.: 40D-22.201, F.A.C.
Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation
Date Petition Published in the Florida Administrative Register: November 5, 2014
General Basis for Agency Decision: Petitioner failed to respond to District requests for additional information. Petitioner has not demonstrated that a variance or waiver from District rules is appropriate.
A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, extension 2047, water.variances@watermatters.org.

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 February 9, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from 13th Street Bank of America Professional Center filed January 28, 2015, and advertised on January 30, 2015, in Vol. 41, No. 20, 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 3.11.3 ASME A17.3, 1996 edition, as adopted by Rule 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators with firefighters' emergency operations 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 (VW2015-026).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice:

Of the issuance of an Order regarding the Petition for Variance or Waiver, filed on August 27, 2014, by Richard A. Vannucci. The Notice of Petition for Waiver or Variance was published in Vol. 40, No. 189, of the September 29, 2014, Florida Administrative Register. Petitioner sought a waiver or variance of the financial responsibility and stability requirements of Rule 61G4-15.006, F.A.C., so that he will not be required to obtain the Construction License Irrevocable Letter of Credit. The Board considered the instant Petition at a duly-noticed public meeting held on November 14, 2014, in Altamonte Springs, Florida.

The Board's Order, filed on January 30, 2015, denied the petition, finding that the Petitioner has not demonstrated how the purpose of the underlying statute will be or has been achieved by other means by the Petitioner. In addition, the Petitioner has not shown how application of the rule creates a substantial hardship or violates principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice:

Of the issuance of an Order regarding the Petition for Variance or Waiver, filed on September 29, 2014, by Troy Rush. The Notice of Petition for Waiver or Variance was published in Vol. 40, No. 210, of the October 28, 2014, Florida Administrative Register. Petitioner sought a waiver or variance from having to retake the Certified General Contractors for Business/Finance and Contract Administration Exam the Board considered the instant Petition at a duly-noticed public meeting held on November 14, 2014, in Altamonte Springs, Florida.

The Board's Order, filed on January 30, 2015, denied the petition, finding that the Petitioner has not demonstrated how the purpose of the underlying statute will be or has been achieved by other means by the Petitioner. In addition, the Petitioner has not shown how application of the rule creates a substantial hardship or violates principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, February 19, 2015, 2:00 p.m. – 3:00 p.m. (EST)

PLACE: Commission Clerk's Conference Room, Room 180G, 4070 Esplanade Way, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Workshop.

A copy of the agenda may be obtained by contacting: Allen Overstreet, Office of Commissioner Richard Davison, Phone: (850)488-0476, Email: allenoverstreet@fcor.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Allen Overstreet, Office of Commissioner Richard Davison, Phone: (850)488-0476, Email: allenoverstreet@fcor.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).

NAVIGATION DISTRICTS

West Coast Inland Navigation District

RULE NO.: RULE TITLE:

66A-2.003 Policy

The West Coast Inland Navigation District announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 27, 2015, 10:30 a.m.

PLACE: Venice City Hall, 401 W. Venice Avenue, Venice, FL 34285

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District. Prior to the meeting, beginning at 9:30 a.m., individual members of the WCIND Board will meet individually with 5 job applicants who will be interviewed in an open and public session during the meeting.

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.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by James R. Adams on September 30, 2014. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 40, No. 196, of the October 8, 2014, Florida Administrative Register. The petitioner seeks a declaratory statement regarding whether he is exempt from licensure as defined in Sections 489.105 and 489.113, Florida Statutes. The Construction Industry Licensing Board considered the Petition at its meeting held on November 14, 2014, in Altamonte Springs, Florida. The Board's Order, filed on January 30, 2015, stated that because there is no disassembly of the dryer exhaust system in order to clean the dryer vent using the method described, a mechanical contractor's license is not necessary.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, Florida 32399 or telephone: (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by James Becker on October 6, 2014. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 40, No. 197, of the October 9, 2014, Florida Administrative Register. The petitioner seeks a declaratory statement as to which license his company should apply for pursuant to 61G4-15, F.A.C. The Construction Industry Licensing Board considered the Petition at its meeting held on November 14, 2014, in Altamonte Springs, Florida. The Board's Order, filed on January 30, 2015, declines to issue a declaratory statement because the request is vague and does not provide sufficient information to allow the Board to make an informed decision.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, Florida 32399 or telephone: (850)487-1395.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

NONE

Notice of Disposition of Petition for Administrative Determination has been filled 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

University of Central Florida

General Contractor to \$500,000

NOTICE TO CONTRACTORS

The University of Central Florida has a need for several firms to provide General Contractor continuing services on an ongoing basis for campus renovation and construction projects with construction budgets of less than \$500,000.

Typical projects may include new construction, renovations, remodeling, equipment installation, fire code corrections, building code corrections, aesthetic enhancements, technology enhancements, communications modifications, air quality, and sustainability modifications. Areas requiring renovation or modifications may include, but are not limited to, animal research or holding areas, research laboratories, classrooms, libraries, media centers, offices, clinics, reception and waiting areas, lobbies, corridors, atriums, courtyards, plazas, student housing, site work, parking areas, and hardscapes. Projects being implemented may border or be within occupied areas, and projects will in many cases need to be phased to allow partial occupancy during construction. ALL projects will, need to ensure the safety of faculty, staff, and students. Projects may be located on University of Central Florida or U CF-affiliated properties.

Instructions for submitting a proposal can be found on the Project Fact Sheet. The Project Fact Sheet and General Contractor's Form may be obtained on our website: www.fp.ucf.edu or by contacting: Gina Seabrook, Email: gina.seabrook@ucf.edu, Phone: (407)823-5894.

We are accepting only electronic submissions, to be uploaded at: <https://ucf.bonfirehub.com/p/772>

Submittals must be received by 5:00 p.m. local time March 9, 2015. Late submissions or additional documentation will not be accepted.

Continued work from the university will be based on a periodic contractor performance evaluation. Evaluations will assess the contractor's: quality of work, ability to maintain budget, ability to stay on schedule, safety, no-change orders for same scope of work, and customer service. Contractors that do not receive satisfactory evaluations may not be given additional work, and their contracts may be terminated.

DEPARTMENT OF JUVENILE JUSTICE

Pre-Bid Conference ITB P001-15-16 Food Products/Delivery Service

Pre-Bid conference scheduled for Tuesday February 17, 2015 for ITB P001-15-16 Food Products/Delivery Service at 10:00 a.m. located at 2737 Centerview Drive (Alexander Bldg.) Tallahassee, FL 32399. Contact Angela Jackson (850)717-2746 or angela.jackson-hall@djj.state.fl.us

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

B&W Golf Cars, Inc. for the establishment of EZGO low-speed vehicles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Textron, Inc., intends to allow the establishment of B&W Golf Cars, Inc., as a dealership for the sale of low-speed vehicles manufactured by Textron, Inc. (line-make EZGO) at 5467 Yahl Street, Naples, (Collier County), Florida 34109, on or after March 13, 2015.

The name and address of the dealer operator(s) and principal investor(s) of B&W Golf Cars, Inc. are dealer operator(s): Steve Parker, 5467 Yahl Street, Naples, Florida 34109; principal investor(s): Steve Parker, 5467 Yahl Street, Naples, Florida 34109.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Rusty McGahee, Textron, Inc., 1451 Marvin Griffin Road, Augusta, Georgia 30906.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Beach Street Bikes, Inc. for the establishment of HYOS motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that S&T Motors America, LLC, intends to allow the establishment of Beach Street Bikes, Inc., d/b/a Pompano Pats as a dealership for the sale of motorcycles manufactured by Hyosung (line-make HYOS) at 910 West International Speedway Boulevard, Daytona Beach, (Volusia County), Florida 32114, on or after March 13, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Beach Street Bikes, Inc., d/b/a Pompano Pats are dealer operator(s): Patrick Johnson, 910 West International Speedway Boulevard, Daytona Beach, Florida 32114, Ronald Hurtibise, 910 West International Speedway Boulevard, Florida 32114; principal investor(s): Patrick Johnson, 910 West International Speedway Boulevard, Florida 32114, Ronald Hurtibise, 910 West International Speedway Boulevard, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tony Tae-in Kim, S&T Motors America, LLC, 5815 Brook Hollow Parkway, Suite C, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Bellamy's Outdoor Sports, Inc. for the establishment of EZGO low-speed vehicles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Textron, Inc., intends to allow the establishment of Bellamy's Outdoor Sports, Inc., as a dealership for the sale of low-speed vehicles manufactured by Textron, Inc. (line-make EZGO) at 2273 Crawfordville Highway, Crawfordville, (Wakulla County), Florida 32327, on or after March 13, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Bellamy's Outdoor Sports, Inc., are dealer operator(s): Louis Owen Bellamy, 2273 Crawfordville Highway, Crawfordville, Florida 32327-1036, principal investor(s): Louis Owen Bellamy, 2273 Crawfordville Highway, Crawfordville, Florida 32327-1036.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Rusty McGahee, Textron, Inc., 1451 Marvin Griffin Road, Augusta, Georgia 30906.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Gator Golf Cars & Utility Vehicles, LLC for the establishment of CLUB low-speed vehicles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Club Car LLC, intends to allow the establishment of Gator Golf Cars & Utility Vehicles, LLC, d/b/a Gator Sports as a dealership for the sale of low-speed vehicles manufactured by Club Car LLC (line-make CLUB) at 3865 Davis Boulevard, Naples, (Collier County), Florida 34104, on or after March 13, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Gator Golf Cars & Utility Vehicles, LLC are dealer operator(s): Dave Parker, 21727 Helmsdale Run, Estero, Florida 33928; principal investor(s): Dave Parker, 21727 Helmsdale Run, Estero, Florida 33928.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael R. Packer, Club Car LLC, 4125 Washington Road, Evans, Georgia 30809.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Sami Toma, Inc. for the establishment of WNGY motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Sami Toma, Inc., d/b/a Loren Auto Sales as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co., Ltd. (line-make WNGY) at 4201 West Blue Heron Boulevard, Unit # 4, Riviera Beach, (Palm Beach County), Florida 33404, on or after March 13, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Sami Toma, Inc., d/b/a Loren Auto Sales are dealer operator(s): Gary Velez, 4201 Blue Heron Boulevard, Riviera Beach, Florida 33404; principal investor(s): Gary Velez, 4201 Blue Heron Boulevard, Riviera Beach, Florida 33404.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Javier Opoczynski, Mod Cycles Corp, 7795 West 20th Avenue, Hialeah, Florida 33014.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Trike Traders LLC for the establishment of HYOS motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that S&T Motors America, LLC, intends to allow the establishment of Trike Traders LLC, as a dealership for the sale of motorcycles manufactured by Hyosung (line-make HYOS) at 670 South Lake Shore Way, Lake Alfred, (Polk County), Florida 33850, on or after March 13, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Trike Traders LLC, are dealer operator(s): Shaun Cady, 670 South Lake Shore Way, Lake Alfred, Florida 33850 and Douglas Cady, 670 South Lake Shore Way, Lake Alfred, Florida 33850; principal investor(s): Shaun Cady, 670 South Lake Shore Way, Lake Alfred, Florida 33850 and Douglas Cady, 670 South Lake Shore Way, Lake Alfred, Florida 33850.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tony Tae-in Kim, S&T Motors America, LLC, 5815 Brook Hollow Parkway, Suite C, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF FINANCIAL SERVICES
FSC - Financial Institution Regulation
Financial Institutions

NOTICE OF FILINGS
Financial Services Commission
Office of Financial Regulation
February 10, 2015

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

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		The Fletcher Building, Suite 118
Tallahassee, Florida 32314-8050		101 East Gaines Street
Phone (850)410-9800		Tallahassee, Florida 32399-0379
Fax: (850)410-9548		Phone: (850)410-9643

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., March 2, 2015):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Beach Community Bancshares, Inc. (Beach Community Bank), Fort Walton Beach, Florida

Proposed Purchaser: Stock Holdings of Delaware, LLC, Fort Walton Beach, Florida

Received: February 6, 2015

Section XIII
Index to Rules Filed During Preceding
Week

INDEX TO RULES FILED BETWEEN FEBRUARY 2,
2015 AND FEBRUARY 6, 2015

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

5B-62.001	2/5/2015	2/25/2015	40/81	40/188
5B-62.002	2/5/2015	2/25/2015	40/81	40/188
5B-62.003	2/5/2015	2/25/2015	40/81	40/188
5B-62.004	2/5/2015	2/25/2015	40/81	40/188
5B-62.005	2/5/2015	2/25/2015	40/81	40/188; 40/195
5B-62.006	2/5/2015	2/25/2015	40/81	40/188
5B-62.007	2/5/2015	2/25/2015	40/81	40/188
5B-62.008	2/5/2015	2/25/2015	40/81	40/188
5B-62.009	2/5/2015	2/25/2015	40/81	40/188
5B-62.010	2/5/2015	2/25/2015	40/81	40/188
5B-62.011	2/5/2015	2/25/2015	40/81	40/188
5B-62.012	2/5/2015	2/25/2015	40/81	40/188
5B-62.013	2/5/2015	2/25/2015	40/81	40/188
5B-62.014	2/5/2015	2/25/2015	40/81	40/188
5B-62.015	2/5/2015	2/25/2015	40/81	40/188
5B-62.016	2/5/2015	2/25/2015	40/81	40/188
5B-62.017	2/5/2015	2/25/2015	40/81	40/188
5B-62.018	2/5/2015	2/25/2015	40/81	40/188
5B-62.019	2/5/2015	2/25/2015	40/81	40/188
5B-62.020	2/5/2015	2/25/2015	40/81	40/188
5B-62.021	2/5/2015	2/25/2015	40/81	40/188
5B-62.022	2/5/2015	2/25/2015	40/81	40/188
5B-62.023	2/5/2015	2/25/2015	40/81	40/188
5B-62.024	2/5/2015	2/25/2015	40/81	40/188
5B-62.025	2/5/2015	2/25/2015	40/81	40/188
5B-62.026	2/5/2015	2/25/2015	40/81	40/188
5B-62.027	2/5/2015	2/25/2015	40/81	40/188
5B-62.028	2/5/2015	2/25/2015	40/81	40/188
5B-62.029	2/5/2015	2/25/2015	40/81	40/188

Division of Food Safety

5K-4.002	2/5/2015	2/25/2015	40/188	40/247
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

61B-23.002	2/2/2015	2/22/2015	40/228
61B-45.013	2/2/2015	2/22/2015	40/232
61B-78.001	2/2/2015	2/22/2015	40/228

Barbers' Board

61G3-19.011	2/6/2015	2/26/2015	41/04
61G3-21.009	2/6/2015	2/26/2015	41/04

Board of Veterinary Medicine

61G18-15.0025	2/4/2015	2/24/2015	41/03
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Florida Building Commission

61G20-1.001	2/6/2015	2/26/2015	40/234
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DEPARTMENT OF HEALTH

Board of Dentistry

64B5-2.013	2/5/2015	2/25/2015	41/02
64B5-2.0146	2/5/2015	2/25/2015	41/02

Board of Medicine

64B8-1.007	2/2/2015	2/22/2015	40/244
64B8-30.003	2/2/2015	2/22/2015	40/244

Board of Osteopathic Medicine

64B15-6.003	2/2/2015	2/22/2015	40/244
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DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

65C-38.001	2/4/2015	2/24/2015	40/226	41/03
65C-38.002	2/4/2015	2/24/2015	40/226	41/03

Agency for Persons with Disabilities

65G-2.017	2/6/2015	2/26/2015	39/126	40/251
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO SECTION 120.541(3),

FLORIDA STATUTES

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

58A-5.0191	3/28/2014	*****	39/231	40/43
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DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.020	10/24/2011	*****	37/24	37/36
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Solid Waste Management Facilities

62-701.730	1/26/2015	*****	40/191
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