

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-1.001	Definitions
5M-1.008	Implementation Verification
5M-1.009	External BMP Implementation Verification Systems

PURPOSE AND EFFECT: Adopts definitions; creates a system for verification of implementation of best management practices for agriculture; identifies alternative means of verification of implementation.

SUBJECT AREA TO BE ADDRESSED: Verification of implementation of best management practices for agriculture.

RULEMAKING AUTHORITY: s.403.067(7)(d)2.c., FS.

LAW IMPLEMENTED: s.403.067(7), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stanley Posey, Deputy Director, Office of Agricultural Water Policy, 407 South Calhoun Street, MS E-1, Tallahassee, FL 32399, stanley.posey@freshfromflorida.com

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-9.002	Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas
68A-9.005	Falconry
68A-9.006	Wildlife Rehabilitation Permit
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing
68A-9.008	Permits for Physically Disabled
68A-9.010	Taking Nuisance Wildlife
68A-9.012	Taking of Wildlife on Airport Property

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2017, associated with wildlife management area permits, recreational use permits and related fees on Wildlife Management Areas; falconry; wildlife rehabilitation; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; permits for the physically disabled; and to clarify and simplify regulations relating to nuisance wildlife and wildlife on airport property.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; falconry; wildlife rehabilitation; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; permits for wildlife rehabilitation and the physically disabled; and taking of nuisance wildlife and wildlife on airport property.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution ; Sections 375.313, 379.1025, 379.2223, 379.354, FS.

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

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

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: RULE TITLES:

- 68A-13.0001 Definitions
- 68A-13.001 Open Season for Taking Game; Bag and Possession Limits
- 68A-13.003 Hunting Regulations for Ducks, Geese, and Coots
- 68A-13.004 Hunting Regulations for Non-Migratory Game; Issuance of Antlerless Deer Permits and Private Lands Deer Management Permits
- 68A-13.006 Hunting on National Wildlife Refuges
- 68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas
- 68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots

PURPOSE AND EFFECT: The purpose and effect of this rule development is, during calendar year 2017, (1) establish definitions for the chapter; (2) establish open seasons for taking game and bag and possession limits; (3) establish hunting regulations for ducks, geese, coots, and other migratory birds; (4) establish open seasons and bag limits for non-migratory game, and issuance of antlerless deer and private lands deer management permits; (5) provide for adoption of Federal regulations pertaining to hunting on National Wildlife Refuges; (6) establish hunting regulations for public small-game hunting areas; and (7) establish regulations for migratory birds other than ducks and coots.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include definitions for the chapter, regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer and private lands deer management permits, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-15.004	General Regulations Relating to Wildlife Management Areas
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006	Regulations Relating to Miscellaneous Areas
68A-15.061	Specific Regulations for Wildlife Management Areas - Southwest Region
68A-15.062	Specific Regulations for Wildlife Management Areas - North Central Region
68A-15.063	Specific Regulations for Wildlife Management Areas - Northwest Region
68A-15.064	Specific Regulations for Wildlife Management Areas - South Region
68A-15.065	Specific Regulations for Wildlife Management Areas - Northeast Region

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2017, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMAs) and specific regulations related to Miscellaneous Areas (MAs); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs and MAs; and (4) adjust hunting season dates on WMAs and MAs to conform with proposed 2017-2018 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution ; Sections 375.313, 379.2223, FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution ; Sections 375.313, 379.2223, 379.354, FS.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2017, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEAs); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2017-2018 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; Sections 375.313, 379.2223, 379.354, FS.

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

Section II Proposed Rules

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designations and Distributions for FRS Investment Plan
19-11.014	Benefits Payable for Investment Plan Member Disability and In-Line-Of-Duty Death Benefits

PURPOSE AND EFFECT: To set forth proposed amendments to Rule 19-11.002, F.A.C. which serve to adopt the latest version of the beneficiary designation form. Further, the rule is being amended to indicate that if a Special Risk Class Investment Plan member is killed in the line of duty, such member’s family will be entitled to a monthly survivor benefit as outlined in detail by new Rule 19-11.014, F.A.C. The rule also is being amended to make reference to the latest versions of the applicable enrollment forms. The rule amendments further indicate that an incomplete beneficiary designation form will not be processed. Finally, the rule amendments state that if a member designates the same person/entity as both a primary and a contingent beneficiary, the person or entity designated will be deemed to be only a primary beneficiary. Rule 19-11.014, F.A.C. is being created to provide information to Investment Plan members regarding two potential benefit options. First, information is set forth in the new rule regarding the fact that an Investment Plan member is entitled, if eligible, to apply for disability benefits which are in lieu of benefits otherwise payable to the member under Section 121.591(1) Florida Statutes. If the member’s disability benefit application is approved, the member becomes a member of the FRS Pension Plan and the member’s entire Investment Plan balance is transferred to the Pension Plan. Second, special “In Line of Duty” death benefits may be paid to the families of those Special Risk Class Investment Plan members who are killed in the line of duty. In lieu of receiving the member’s vested Investment Plan account balance, the spouse and unmarried children of each such Special Risk class member may receive monthly survivor benefits equal to 100% of the member’s salary at the time of death. Monthly benefits payable will be paid to the surviving spouse for his or her

lifetime, and upon his or her death, to any surviving children where each such child is either under age 18 or under age 25 if each such child is a full-time student and unmarried. This Special Risk Class In Line of Duty Death Benefit was recently enacted during the 2016 Legislative Session.

SUMMARY: To describe the new In-Line of Duty death benefit that may be available to survivors of Special Risk Class Investment Plan members who are killed in the line of duty; to clarify certain information regarding what happens if a member files an incomplete beneficiary designation form; to specify that the same person/entity cannot be both a primary and a contingent beneficiary; to adopt the latest version of the beneficiary designation form. There are no other rules incorporating these proposed amended rules. The proposed amendments do not have an impact on any other rules. Legislative ratification of the rule amendments is not required.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on its analysis of the rule amendments and incorporated materials, as well as the fact that it is not a regulatory agency, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs resulting from the proposed rule amendments. 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.

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: 121.4501(8), 121.5912 F.S.
LAW IMPLEMENTED: 121.091(5)(j), (7), (8), 121.4501(20), 121.571, 121.591(3), (4), 121.5912, 121.735, 121.71, 121.74, F.S.

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

DATE AND TIME: Friday, December 30, 2016, 9:00 a.m. - 11:00 a.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32301, (850)413-1197, tina.joanos@sbafla.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-11.002 Beneficiary Designations and Distributions for FRS Investment Plan.

(1)(a) An ~~FRS~~ Investment Plan member may designate a beneficiary to receive the benefits which may be payable in the event of the member's death. If the member does not designate a beneficiary(ies), or if no designated beneficiary survives the member, then the member's beneficiary(ies) will be those specified by Section 121.4501(20), F.S. which are: the deceased member's spouse; or if there is no surviving spouse, then the deceased member's children, or their legal guardian, on their behalf if under 18 years of age; or if no children survive, the deceased member's father or mother, if living; otherwise the deceased member's estate.

(b) An Investment Plan member enrolled in the Special Risk Class who dies in the line of duty shall have survivor benefits paid in accordance with Section 121.591(4), F.S. and Rule 19-11.014, F.A.C.

(c) Monthly survivor benefits for the spouse and child(ren) of members provided by Section 121.591(4), F.S. are payable in lieu of benefits otherwise payable under Section 121.591(1) or survivor benefits payable under Section 121.591(3), F.S. and shall supersede any other distribution that

may have been provided by the member's designation of beneficiary.

(2) Any such beneficiary designation may be made on Form IPBEN-1, FRS Investment Plan Beneficiary Designation, rev. 04-16 ~~01-15~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07364> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-05797>~~, which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866) 446-9377, Option 4 (TRS 711), Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. or by accessing the MyFRS.com website and clicking on "Resources" and then "Forms." The beneficiary designation form must be completed and received by the ~~FRS~~ Investment Plan Administrator before it becomes effective. Alternatively, a beneficiary may be designated electronically by logging on to MyFRS.com, clicking on "manage investments," and then clicking on "personal info," or by calling the Investment Plan Administrator at 1(866)446-9377, Option 4 (TRS 711).

(3) A beneficiary designation shall only be effective once it is received by the ~~FRS~~ Investment Plan Administrator. The most recent beneficiary designation filed with the ~~FRS~~ Investment Plan Administrator shall replace any previous designation whether made before or after the member's termination of employment or retirement. After submitting the designation, the member is responsible for confirming whether the designation has been received by the ~~FRS~~ Investment Plan Administrator. The beneficiary designation is printed every quarter on the member's quarterly statement.

(4)(a) If the ~~FRS Investment Plan~~ member enrolls in the ~~FRS~~ Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 08/16 ~~06/14~~, the General Retirement Plan Enrollment Form for Regular Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1, rev. 10-16 ~~07/15~~, which are adopted and incorporated by reference in subsection 19-11.006(2), F.A.C., or the 2nd Election EZ Retirement Plan Enrollment Form, Form ELE-2-EZ, rev. 08-16 ~~07/15~~, or the 2nd Election Retirement Plan Enrollment Form, Form ELE-2, rev 10-16 ~~07/15~~, which are adopted and incorporated by reference in subsection 19-11.007(3), F.A.C., the member agrees to the beneficiary designation contained in Section 121.4501(20), F.S., unless the member submits a beneficiary designation as provided in subsection (2) herein.

~~(b) If the member dies prior to his or her effective date of retirement, the member's spouse at the time of death shall be the member's beneficiary unless the deceased member had designated a different beneficiary after his or her most recent marriage.~~

(b)(e) If the member marries after designating a beneficiary, the member must file an updated beneficiary designation if the member wishes to name someone else other than the spouse as a beneficiary. If the member does not file an updated beneficiary designation, the member's spouse will be the beneficiary of the member's account. The spouse must provide a copy of the marriage certificate verifying that the marriage occurred after the most recent beneficiary designation. Example: John is married to Betty and has named her as his beneficiary. John divorces Betty and marries Carol. Carol will be John's beneficiary unless he files another beneficiary form and names, for example, his son, Bob.

(c)(d) Once a member is enrolled in the FRS Investment Plan, the member may designate a beneficiary at any time, as follows:

1. A member may name a beneficiary or beneficiaries to receive the assets of the member's FRS Investment Plan account, either sequentially or jointly.

2. A member may name as beneficiary any person, organization, trust, or the member's estate.

(d)(e) A primary beneficiary is someone who will receive the member's funds from the FRS Investment Plan account, if that person is living at the death of the member. If more than one primary beneficiary is designated with specified percentages of the funds, each will receive their member-specified percentages if they are still living at the death of the member. Example: if the member names his four sons, in equal shares (25% each), but two of the four sons die before their father, the other two living sons split the funds two ways, 50% each. ~~If joint primary beneficiaries are named but the member does not specify any percentages of the funds, the beneficiaries will receive equal portions of the remaining funds.~~

(e)(f) A contingent beneficiary is one or more person(s) who are named, in case all primary beneficiaries die before the member. Contingent beneficiaries may receive benefits jointly or sequentially. Naming a contingent beneficiary is optional and the person designated cannot also be a named primary beneficiary. If a member submits a beneficiary designation listing the same person(s) or entity as both primary and contingent beneficiaries, the person(s) or entity will only be accepted as the primary beneficiary designation. All other persons or entities will be accepted as contingent beneficiaries.

(f)(g) If a member inadvertently uses an incorrect beneficiary designation form, the FRS Investment Plan Administrator will notify the member and request that the member complete and submit the correct form, Beneficiary Designation Form IPBEN-1, rev. 04-16 01/15. If the member should die prior to completing and submitting the IPBEN-1 form, the FRS Investment Plan Administrator will consider the beneficiary set forth on the incorrect form as being the

member's intended beneficiary for the purpose of paying benefits.

(g) If the member submits a beneficiary form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, the last four numbers of the member's social security number, or the member's signature, or a form indicating that the shares assigned to joint primary or contingent beneficiaries are greater to, or less than, 100%.

(5)(a) If a member is married and the spouse is designated as a primary beneficiary, regardless of whether the percentage allocated to the spouse on the form is less than 100%, the member is not required to notify the spouse.

(b) If a member is married and names a primary beneficiary(ies) and the person(s) named is not the spouse of the member, then the member is required to notify the spouse that the spouse is not a primary beneficiary of the proceeds of the member's FRS Investment Plan account(s). The spouse must acknowledge that the spouse understands that the spouse is not a primary beneficiary of the member's FRS Investment Plan account(s) by signing the beneficiary designation form, Form IPBEN-1, rev. 04-16 01/15, in the appropriate place.

(c) If a married member fails to obtain the spouse's acknowledgment on the beneficiary designation form, then the Investment Plan Administrator will send to the member an Acknowledgement of Beneficiary Designation, reminding the member of the necessity of obtaining spousal acknowledgement. The member can return this Acknowledgement of Beneficiary Designation with the spouse's signature which will provide acknowledgement that the spouse is not the primary beneficiary of the member's FRS Investment Plan account(s). Alternatively, the member may provide the FRS Investment Plan Administrator with a notarized statement reflecting the spouse's understanding that the spouse is not the beneficiary of the member's FRS Investment Plan account(s).

(d) If the member fails to obtain the spouse's acknowledgement that a beneficiary, other than the spouse, has been designated as the primary beneficiary of the member's Investment Plan benefit, the beneficiary designation on file with the FRS Investment Plan Administrator at the time of the member's death will be honored only if the spouse's rights as a beneficiary are not compromised under Florida law.

(6)(a) An Alternate Payee may name a beneficiary to receive the benefits which may be payable in the event of the Alternate Payee's death at any time, as outlined in subsection (2) and paragraphs (5)(a) through (f) above, once the Alternate Payee's account has been established by the FRS Investment Plan Administrator.

(b) If the Alternate Payee does not name a beneficiary(ies), then the Alternate Payee's beneficiary(ies) will be those as described in subsection (1).

(7) Per Florida Law Beneficiary Designation.

(a) If a member fails to designate a beneficiary as outlined in subsection (2) above, the member's designation of beneficiary will automatically be assigned a designation of "Per Florida Law" as outlined in Section 121.4501(20), F.S. To establish entitlement to the member's account, the beneficiary(ies) may be required to provide the following, as applicable: a copy of the marriage certificate, copy of the member's birth certificate, copy of the birth certificate(s) of the beneficiary(ies), legal guardianship documents issued by a court of competent jurisdiction, a notarized written statement confirming the identity of all surviving family members, tax identification number of the member's estate, or a notarized written document stating that the deceased is not survived by a spouse, child(ren) or parent(s).

(b) If, upon the death of a member, a beneficiary(ies) can be identified in accordance with Florida statute, but no social security number or address of the beneficiary or beneficiaries is available, the ~~FRS~~ Investment Plan Administrator will, with the assistance of the SBA, make a reasonable effort to obtain each beneficiary's Social Security Number or Taxpayer Identification Number, using available search tools, including the internet, LexisNexis Accurint, or another third party vendor providing such services. If a beneficiary can be identified and the social security number is provided, the transfer of benefits will be executed by the Investment Plan Administrator.

(c) If, upon the death of a member, a beneficiary cannot be identified, the provisions of paragraph (d) below will be followed.

(d) After one year from the date of the member's death, if the beneficiary cannot be located or if a beneficiary cannot be identified, the account will be transferred to the Suspense Account. By calendar year-end of each year following the transfer to the Suspense Account, the ~~FRS~~ Investment Plan Administrator will attempt to locate and obtain the Social Security Number or the Taxpayer Identification Number of the beneficiary. The transferred funds shall be invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund. The amount will be held in the ~~FRS~~ Investment Plan Suspense Account until (1) the beneficiary contacts the ~~FRS~~ Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the ~~FRS~~ Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member and the name of the beneficiary, if known.

(e) Should the beneficiary be located who then is willing to provide a social security number, a check will be issued to that beneficiary. The check will include actual earnings that have accrued on the funds from the date of transfer from the member's account to the Suspense Account and/or Forfeiture Account. Such payment will be subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of the issuance of the check to the beneficiary.

(8) Distributions to beneficiaries on the death of a member.

(a) If a member dies before his or her effective date of retirement, the member's spouse at the time of his or her death shall be the member's beneficiary, unless the member has designated a different beneficiary after the member's most recent marriage. If the member did name another beneficiary after his or her most recent marriage, the named beneficiary will receive the member's account balance.

(b) Upon notification of the member's death, the ~~FRS~~ Investment Plan Administrator will contact the designated beneficiary or the family of the deceased member and provide instructions on how to claim any benefits.

(9) Distributions to designated or per Florida law spousal beneficiaries.

(a) The member's surviving spouse, must provide a certified copy of the member's death certificate and, if the spouse is not designated by the member, but is the beneficiary according to Florida law, the surviving spouse must provide a copy of the marriage certificate before benefits will be paid.

(b) Spousal beneficiaries may request the following distributions:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the spouse no longer will be a member of the ~~FRS~~ Investment Plan.

2. Partial Distribution, which provides for a partial lump sum payment of the account balance. The remainder may be paid out through regular periodic payments that the spouse selects, such as monthly, quarterly, semi-annually or annually. The spouse also may defer payment of the remainder of the account balance and take additional partial lump sum payments as needed.

3. Periodic Payments, which allows for the establishment of a regular payment schedule of benefits, such as monthly, quarterly, semi-annually or annually. The amount of each benefit payment will be calculated by dividing the account balance on the date of the benefit payment by the remaining number of payments. As such, the amount of the benefit payment may change with each payment. If the account has multiple funds and sources, the periodic withdrawal amount will be prorated among all funds and sources in the account. The number of years over which the payments are made cannot exceed the spouse's life expectancy, which is

determined by an actuarial table prepared by the U.S. Department of the Treasury.

4. Deferrals until a certain age, which allows the spouse to defer the receipt of benefits until a later date. However, the spouse must begin receiving the benefit payout no later than April 1 in the calendar year after the member would have attained age 70 1/2. The spouse may elect a full distribution, partial distribution or periodic payment. However, the total annual benefit payment must equal or exceed the federal Required Minimum Distribution (RMD). An additional benefit payment will be sent to the spouse in December of any year in which the total periodic payments for that year do not equal or exceed the spouse's RMD.

5. Roll over the account assets to another 401(a), 401(k) or a 403(b) plan, or to an Individual Retirement Account or Roth IRA.

6. Annuity, using entire or partial account balance.

(10) Distributions to designated non-spousal individual beneficiaries and look-through trusts or beneficiaries determined by Florida law.

(a) In accordance with Internal Revenue Service (IRS) rules, non-spousal beneficiary accounts cannot be held indefinitely in the FRS Investment Plan. The "required minimum distribution" is required by the Internal Revenue Service and spelled out in IRS Code s. 401(a)(9), requiring that if the beneficiary is not a spouse, the Investment Plan can hold the distribution for no more than 5 years from the date of the member's death.

(b) For a non-spousal beneficiary or a look-through trust beneficiary, there are two possibilities, depending upon whether payments from the account had commenced before the member's death:

1. Where distributions have already begun to the member, but the member dies before the entire account has been distributed, the remaining portion of the account must be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

2. If a member dies before the distribution of the member's account has begun, the entire account of the member must be distributed within 5 years after the death of the member, unless:

a. The member's account will be distributed over the life of the designated beneficiary or the beneficiary of the look-through trust (or over a period not extending beyond the life expectancy of such beneficiary), and

b. Such distributions begin no later than 1 year after the member's death.

(c) The non-spousal beneficiary must decide within 1 year of the date of death to take lifetime installment or annuity payouts.

(d) If the whole amount is not paid out during the required 5-year period, the remaining funds in the account will be paid in a lump sum to the non-spousal beneficiary.

(e) Non-spousal individual beneficiaries and look-through trusts may request the following distributions:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the beneficiary no longer will be a member of the FRS Investment Plan.

2. Partial Distribution, which provides for a partial lump sum payment of the account balance. The remainder may be paid out through regular periodic payments ~~that the spouse selects~~, such as monthly, quarterly, semi-annually or annually. The beneficiary also may defer payment of the remainder of the account balance and take additional partial lump sum payments as needed.

3. Periodic Payments, which allows for the establishment of a regular payment schedule of benefits, such as monthly, quarterly, semi-annually or annually. The amount of each benefit payment will be calculated by dividing the account balance on the date of the benefit payment by the remaining number of payments. As such, the amount of the benefit payment may change with each payment. If the account has multiple funds and sources, the periodic withdrawal amount will be prorated among all funds and sources in the account. The number of years over which the payments are made cannot exceed the life expectancy of the non-spousal beneficiary or of the beneficiary of the look-through trust, which is determined by an actuarial table prepared by the U.S. Department of the Treasury. If the beneficiary stops the payment for any reason, then the payout of the benefits will be governed by the time limitations set forth in paragraph (b).

4. Deferrals of up to 5 years, however the benefit must be distributed within 5 years after the death of the member, if the conditions in subparagraph (b)2. above have not been met.

5. Annuity, using entire or partial account balance.

(11) Distributions to the member's designated estate or to a designated non look-through trust.

(a) A beneficiary which is either the member's estate or a non look-through trust is considered as a non-person. Pursuant to Code s. 401(a)(9), the entire interest of the member must be distributed to such beneficiary within 5 years after the death of the member.

(b) The estate or non look-through trust beneficiary has two options for receiving the benefit payment:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the beneficiary no longer will be a member of FRS Investment Plan.

2. Deferrals of up to 5 years, however the benefit must be distributed within 5 years after the death of the member.

(12) Distributions to beneficiaries who are minors.

(a) A minor is a child under the age of 18.

(b) When a minor child or children are the designated beneficiaries of the member, whether the member is the minor's or minors' parent, grandparent, sibling, other relative or any other person, a copy of the birth certificate of each minor child and the social security number for each minor child must be provided to the FRS Investment Plan Administrator, and must be received prior to any payout, regardless of the amount. ~~The birth certificate provides proof as to identity of the natural guardian(s) of the children, so that appropriate payment arrangements may be made.~~

(c) Section 744.301, F.S., allows for the natural guardian (surviving parent(s)) to handle benefits to a minor child where that amount does not exceed \$15,000, without court appointment, authority or bond. The birth certificate provides proof as to identity of the natural guardian(s) of the children, so that appropriate payment arrangements may be made.

(d) In all cases in which a minor is a beneficiary of an account balance which is greater than \$15,000, the surviving parent(s), or other relative or other interested party, must apply for a formal guardianship. A court order or court appointment and Letters of Guardianship will be required prior to payout of any benefits to the minor. The FRS Investment Plan Administrator shall place a hold on any account where the minor beneficiary is to receive an amount in excess of \$15,000 and advise the SBA.

(e) If the individual responding to the correspondence sent by the Administrator and providing instructions for payout is not the surviving parent(s), the Administrator shall request the individual to provide a Court Order wherein a guardian has been appointed for the minor, prior to payout of any benefit and the Administrator shall take directions only from the named guardian.

(f) If no instructions for payout are received, the Administrator shall notify the SBA and the SBA will contact the probate court with jurisdiction over the estate of the member to request direction on the disposition of the minor's interest in the account. Expenses shall be deducted from the member's account.

(13) A beneficiary, whether designated or pursuant to Florida law, of a deceased member who, by a verdict of a jury or by a court trying the case without a jury, is found guilty, or who has entered a plea of guilty or nolo contendere, of unlawfully and intentionally killing or procuring the death of such member shall forfeit all rights to the deceased member's retirement benefits. Any benefits will be paid as if such beneficiary had predeceased the deceased member. No benefits will be paid until there is a final resolution of such charges against the beneficiary.

(14)(a) If the deceased member has designated a beneficiary but has not provided the designated beneficiary's social security number or address, or has provided an incorrect social security number, then, after at least three unsuccessful attempts by the SBA or the FRS Investment Plan Administrator to locate the beneficiary, the FRS Investment Plan Administrator will advise the SBA accordingly and the account will not be distributed.

(b) The FRS Investment Plan Administrator will, with the assistance of the SBA, at the time of notification of death, make a reasonable effort to obtain the beneficiary's Social Security Number or Taxpayer Identification Number, using available search tools, including the internet, LexisNexis Accurint, ~~the Social Security Administration,~~ or another third party vendor providing such services.

(c) After one year from the date of the member's death, if the beneficiary cannot be located, the account will be transferred to the Suspense Account. No later than ~~By~~ calendar year-end, of each year following the transfer to the Suspense Account, the FRS Investment Plan Administrator will attempt to locate and obtain the Social Security Number or the Taxpayer Identification Number of the beneficiary. The transferred funds shall be invested in the FIAM Pyramis Intermediate Duration Pool Fund. The amount will be held in the FRS Investment Plan Suspense Account until (1) the beneficiary contacts the FRS Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, and the Administrator will maintain a record of where it is held indicating ~~where it is held indicating~~ the name of the deceased member and the name of the beneficiary, if known.

(d) Should the beneficiary be located and provides a social security number, a check will be issued to the beneficiary, with actual earnings, from the date of transfer from the member's account to the Suspense Account and/or Forfeiture Account subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of such payment to the beneficiary.

(15)(a) Pursuant to Federal guidelines, if the deceased member's account is to be paid to the member's estate but no Estate Identification Number is provided, the account will not be paid to the Estate until the Estate Identification Number is received. In the event that no Estate Identification Number is provided within one year from the date of notification to the FRS Investment Plan Administrator of the member's death, the FRS Investment Plan Administrator will transfer the deceased member's account to the Suspense Account indicating the name of the deceased member. If after 10 years after the date of death, the FRS Investment Plan Administrator has not received an Estate Identification Number, the deceased

member's account will be transferred to the ~~FRS~~ Investment Plan Forfeiture Account and the Administrator will maintain a record of where it will be held indicating the name of the deceased member. The transferred funds shall be invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund.

(b) The ~~FRS~~ Investment Plan Administrator will, at the time of the transfer to the Suspense Account, make a reasonable effort to obtain the Estate Identification Number. Additionally, by calendar year-end of each year following the transfer to the Suspense Account, the ~~FRS~~ Investment Plan Administrator will attempt to locate and obtain the Estate Identification Number.

(c) The amount will be held in the ~~FRS~~ Investment Plan Suspense Account until (1) the member's estate representative contacts the ~~FRS~~ Investment Plan; or (2) a beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the ~~FRS~~ Investment Plan Forfeiture Account, and the Administrator will maintain a record of where it is held indicating the name of the deceased member.

(d) Should the estate's representative subsequently provide an Estate Identification Number, a check will be issued to the estate, with actual earnings while invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund, from the date of transfer from the member's account to the Suspense Account and/or Forfeiture Account. Any applicable income tax withholding shall be paid to the appropriate tax authorities at the time of the benefit payment to the estate.

(16) If the social security number and date of birth of a beneficiary are known, an account will be established in the beneficiary's name and funds will be transferred thereto. If any other beneficiaries are named, accounts also will be established in their names, provided their social security numbers and dates of birth are made known to the Investment Plan Administrator. However, no distribution will be made to any beneficiary until a certified copy of the member's death certificate has been received. In the meantime, the beneficiary will have control over any investment elections/allocations for the account. The beneficiary will be notified of the establishment of the account and will receive a PIN to access information pertaining to the account.

(17)(a) A designated beneficiary may disclaim any monetary interest as provided in Chapter 739, F.S., and Internal Revenue Code s. 2518. A beneficiary can make a partial disclaimer or disclaim the entire interest. When a beneficiary makes a disclaimer, the beneficiary is considered to have predeceased the member, and the other beneficiaries designated by the member may then accept or disclaim any interest to which they are entitled.

(b) The general requirements for a valid disclaimer are that:

1. The beneficiary must provide an irrevocable and unqualified refusal to accept the assets.

2. The refusal must be in writing.

3. The written disclaimer must be submitted to the ~~FRS~~ Investment Plan Administrator at the later of the following times:

a. Nine months after the retirement account owner dies.

b. Nine months after the beneficiary attains age 21, or if the beneficiary is 21 when the retirement account owner dies.

c. The beneficiary must not have accepted any of the inherited assets prior to the disclaimer.

d. The assets must pass to the successor beneficiary without any direction on the part of the person making the disclaimer.

(c) There is no special form or document that an individual must complete to disclaim inherited assets. A letter, duly notarized, is sufficient as long as it meets the requirements set forth in paragraph (b).

Rulemaking Authority 121.4501(8), 121.5912 FS. Law Implemented 121.091(5)(j), (8), 121.4501(20), 121.591(3), 732.802 FS. History—New 10-21-04, Amended 3-9-06, 11-26-07, 12-8-08, 1-7-10, 8-7-11, 7-12-12, 12-16-12, 10-15-13, 1-28-14, 12-30-15, _____.

19-11.014 Benefits Payable for Investment Plan Disability and In-Line-Of-Duty Death Benefits.

(1) An Investment Plan member shall be eligible to apply for a disability benefit in accordance with Section 121.591(2), F.S., and in Rule 60S-4.007, F.A.C.

(a) Disability benefits are payable in lieu of benefits otherwise payable under Section 121.591(1), F.S.

(b) Upon approval for Investment Plan disability retirement, the member's entire Investment Plan account balance, consisting of vested and non-vested monies, plus earnings, shall be transferred to the Division of Retirement (Division) for deposit in the disability account of the Florida Retirement System (FRS) Trust Fund.

1. The Investment Plan member will become a member of the Pension Plan effective upon his or her disability retirement effective date. If the member has a second election remaining, this transfer shall not constitute a second election as provided in Section 121.4501(4)(g).

2. The member shall receive a monthly benefit that is payable on the last day of the month for his or her lifetime and continued disability.

(c) An Investment Plan member approved for disability retirement may cancel the application by submitting a cancellation request to the Division before a disability warrant has been deposited, cashed or received by direct deposit.

1. Upon cancellation, the member shall be transferred back to the Investment Plan.

2. All monies transferred to the disability account of the FRS Trust Fund will be transferred back to the members Investment Plan account.

3. The member may elect to receive benefits as provided under Section 121.591(1), F.S., in lieu of the disability benefits.

(d) If a member recovers sufficiently to return to employment from disability, the member shall be returned as an active member to the Investment Plan.

1. The member's total disability benefits paid shall be subtracted from the amount transferred in paragraph (1)(b) above. Any remaining account balance shall be transferred to the Investment Plan Administrator for deposit into the member's Investment Plan account. The monies will be deposited based on the member's last investment elections.

2. Vested and non-vested amounts shall be accounted for separately as provided in Section 121.4501(6).

3. If the member does not return to employment with an FRS-participating employer, he or she may elect to receive the remaining account balance as provided under Section 121.591(1), F.S. Any non-vested amounts will be forfeited.

4. If the member does not return to employment with an FRS-participating employer and elects not to receive benefits as provided in Section 121.591(1), F.S., any non-vested amount shall be transferred to the suspense account. Such amount shall be forfeited if the member does not returned to FRS-covered employment within five (5) years of the termination date or request benefits as provided under Section 121.591(1), F.S.

(2) In Line of Duty death benefits are only available for Special Risk Class members enrolled in the Investment Plan:

(a) In lieu of receiving the member's vested account balance as provided in Section 121.591(3), F.S., the spouse and/or unmarried child(ren) of Investment Plan members in the Special Risk Class killed in the line of duty on or after July 1, 2013, may receive monthly survivor benefits equal to 100% of the member's monthly salary at the time of death, if the Division determines that the member's death occurred in the line of duty, in accordance with Section 121.591(4), F.S.

(b) Monthly survivor benefits provided by this subsection shall supersede any other distribution or beneficiary that may have been provided by the member's designation of beneficiary.

(c) A hold will be placed on the member's Investment Plan account if notification is received that the member may have been killed in the line of duty or died due to a specified disease that occurred in the line of duty. If it is determined that the member's death was not in the line of duty, the hold will be removed.

(d) The SBA, Division or Investment Plan Administrator will send a letter to the surviving spouse or unmarried children. The letter will include the member's current Investment Plan account balance, estimated monthly salary at time of death, Florida Retirement System Application of Investment Plan Beneficiary for Special Risk In-Line-of-Duty Death Benefits, Form FST-11B-IP, incorporated by reference in Rule 60S-4.008, F.A.C., and items to submit with the completed application.

(e) The surviving spouse or unmarried children may cancel the application by submitting a notarized statement to the Division affirmatively declining the in line of duty death benefits. Once the statement is received, the hold placed pursuant to (2)(c) above will be removed. The benefits will be distributed according to the member's beneficiary designation. If the member did not designate a beneficiary(ies), then the member's beneficiary(ies) will be those specified by Section 121.4501(20), F.S.

(f) Upon approval for in line of duty death benefits, the member's entire Investment Plan account balance, including the balance of monies that may have been transferred to an account in the name of the surviving spouse or child(ren), will be transferred to the Division for deposit in the survivor benefit account of the FRS Trust Fund before monthly benefits can begin.

1. The monthly benefit payment will be actuarially reduced if the surviving spouse or child(ren) has taken any payments from the Investment Plan as a beneficiary of the member.

2. Monthly benefits will be paid to the surviving spouse for his or her lifetime or upon his or her death, to the surviving children who are under age 18 or age 25, if a full time student and unmarried.

Rulemaking Authority 121.4501(8), (5)(e), 121.5912 FS. Law Implemented 121.4501(8), (9), (10), (11), (12), (13), (14), (15), 121.591(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Joan Haseman, Chief, Defined Contribution Programs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2016

AGENCY FOR HEALTH CARE ADMINISTRATION**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-7.029 General Quality Control Requirements

PURPOSE AND EFFECT: The Agency proposes to amend the rule to update quality control procedures to include an Individualized Quality Control Plan.

SUMMARY: Quality Control requirements related to Clinical Laboratory licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 483.051, F.S.

LAW IMPLEMENTED: 483.051, F.S.

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

DATE AND TIME: January 10, 2017 at 2:00 PM EST

PLACE: Agency for Health Care Administration, Conference Room B, 2727 Mahan Drive, Building #3, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Zachary Masters, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4374 or by e-mail at zach.masters@ahca.myflorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zachary Masters at (850)412-4374 or email at: zach.masters@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.029 General Quality Control Requirements for Non-waived Testing.

(1) The laboratory shall establish and follow written quality control procedures for monitoring and evaluating the quality of the testing process of each method to assure the accuracy and reliability of patient test results and reports in accordance with CLIA requirements. The laboratory shall follow the manufacturers' instructions and recommendations for instrument or test system operation and test performance if such instructions exceed requirements specified in this rule. In the event of a conflict between these rules and CLIA requirements, the more stringent requirement(s) shall prevail.

(2) The laboratory must utilize test methods, equipment, instrumentation, reagents, materials, and supplies that provide accurate and reliable test results and test reports as required by CLIA.

(a) Methodologies and equipment must be selected and testing must be performed in a manner that provides test results within the laboratory's stated performance specifications for each test method and reflect procedures that are generally accepted by leading authorities such as the Centers for Disease Control and Prevention (CDC), CLIA recognized accreditation organizations, the American Association of Blood Banks (AABB) or other nationally recognized organizations. Documentation that the test methodologies and equipment meet the requirements of this rule must be maintained by the laboratory and available for review by the Agency.

(b) The laboratory must have equipment, instruments, reagents, materials, and supplies for the type and volume of services provided during the preanalytic, analytic, and postanalytic phases of testing.

(c) All equipment and supplies shall be in good working order, checked and calibrated for the proper performance of tests and services offered in accordance with this rule and CLIA requirements. The laboratory must, at a minimum, follow the manufacturers' recommendations and instructions for equipment operation and document all such activities required for maintenance and operation of such equipment.

(d) The manufacturers' instructions and documentation of maintenance and operation of equipment must be maintained by the laboratory and available for review by the Agency.

(e) Out-of-service equipment and supplies shall be clearly labeled to indicate their status.

(f) Expired, substandard or unusable supplies shall be promptly removed from use and clearly labeled to indicate their status. Such supplies shall be isolated from usable supplies until they are removed from the premises.

(g) Procedures must be approved, signed, and dated by the current laboratory director both initially and biennially thereafter.

(3) Quality Control Procedures. In accordance with CLIA requirements and any additional provisions of this rule, the laboratory shall perform control procedures to monitor the ability of the method or test system to give accurate, precise and reliable patient test results.

(a) Quantitative controls shall be of different concentrations that approximate the analytical range of that analyte, e.g., normal and abnormal patient values.

(b) No daily quality control testing is required for those tests listed as Provider-Performed Microscopy tests in 42 CFR 493.19(c)(1-9), provided the laboratory has instituted a quality assessment program containing the elements found in Rule 59A-7.031, F.A.C., Quality Assessment, to verify the accuracy of those tests at least every 6 months.

(c) All control procedures required above shall be documented and available to the Agency upon request.

(d) Use of Individualized Quality Control Plan (IQCP), ~~Equivalent Quality Control (EQC)~~.

1. A laboratory is permitted to use IQCP EQC testing pursuant to 42 CFR 493.1256(d) provided that those electronic, procedural or internal controls or combinations thereof are met; and the following requirements are met:

a. ~~The plan process describes the practices, procedures, and resources needed to ensure the quality of the testing performed evaluates each step in the testing process.~~

b. ~~The plan process evaluates and identifies the potential failures and sources of error for the preanalytic, analytic and postanalytic phases of testing as it relates to specimen, the test system, reagent, environment, and testing personnel.~~

c. ~~The plan's process~~ evaluation includes specific assessment and documentation of how each step of the testing process is potentially impacted ~~evaluated~~ by the IQCP EQC process; and evaluates each step of the testing process for potential sources of error.

d. The implications of reducing the frequency of the use of external controls and the possibility of providing inaccurate and unreliable test results are evaluated, ~~and found acceptable, by the clinical consultant~~ and approved in writing by the laboratory director.

e. The choice of IQCP EQC options described in 42 CFR 493.1256(d) is consistent with the extent to which the electronic, procedural or internal controls or combinations thereof ensure that the provisions of this rule are met.

f. All IQCP EQC studies shall be composed of no less than 20 consecutive different test samples.

g. All IQCP EQC evaluations, reevaluations, assessments, actions or other such IQCP EQC studies shall be documented and available for review by the Agency.

2. After an acceptable IQCP EQC evaluation has been completed in accordance with these rules, the laboratory is permitted to institute IQCP EQC in lieu of external quality control requirements of 42 CFR 493.1256(d). However, if any of the following conditions occur, the laboratory shall cease testing or reinstate the external quality control provisions of 42 CFR 493.1256(d):

a. A proficiency testing score of less than 80% is obtained for any of the last three proficiency testing events;

b. Personnel competency problems are identified;

c. Major preventive maintenance or replacement of critical parts occurs;

d. Any IQCP EQC result that was outside acceptable limits as specified in 42 CFR 493.1256(d); or

e. When there is any indicator that inaccurate, imprecise or unreliable patient testing is being reported.

3. Before IQCP EQC can be resumed, the laboratory must repeat the IQCP EQC evaluation in accordance with the requirements of this rule and adjust the IQCP as the data warrants. External quality control procedures in accordance with 42 CFR 493.1256(d) shall be performed until the subsequent IQCP EQC evaluation meets the requirements of this rule.

4. When an IQCP EQC failure occurs, the laboratory's ~~clinical consultant~~ must conduct an investigation to identify the cause of the failure and examine all patient test results reported during the time that the IQCP EQC evaluation was used to determine if there was any clinical impact on the patients tested during that time. Appropriate action shall be taken and documented if such patient impact is found.

Rulemaking Authority 483.051 FS. Law Implemented 483.051 FS. History—New 11-20-94, Amended 6-22-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Zachary Masters

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 15, 2016

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-9.0141 Standards for Telemedicine Practice
 PURPOSE AND EFFECT: The Board proposes a rule amendment to clarify that medical cannabis or low-THC cannabis may not be ordered through telemedicine.
 SUMMARY: The proposed rule amendment clarifies the telemedicine rule to prohibit the ordering of medical cannabis or low-THC cannabis through telemedicine.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 458.331(1)(v) FS.
 LAW IMPLEMENTED: 381.986, 458.331(1)(v), 458.347(4)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claudia Kemp, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B8-9.0141 Standards for Telemedicine Practice.
- (1) through (4) No change.
- (5) Medical cannabis or low-THC cannabis, as defined by s. 381.986, F.S., may not be ordered by means of telemedicine.
- ~~(6)(5)~~ No change.
- ~~(7)(6)~~ No change.
- ~~(8)(7)~~ No change.
- ~~(9)(8)~~ No change.
- ~~(10)(9)~~ No change.

Rulemaking Authority 458.331(1)(v) FS. Law Implemented 381.986, 458.331(1)(v), 458.347(4)(g) FS. History—New 3-12-14, Amended 7-22-14, 10-26-14, 3-7-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rules Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2016
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 22, 2016

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

- RULE NOS.: RULE TITLES:
- 64B17-3.001 Licensure as a Physical Therapist by Examination
 - 64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination
 - 64B17-3.006 Examination Security and Sanctions for Subversions
 - 64B17-3.007 Board Approved Credentialing Agencies; Credentials Evaluation Reports

PURPOSE AND EFFECT: The purpose and effect of the rule changes proposed to Rule 64B17-3.001, F.A.C. is to clarify and simplify the requirements for licensure for physical therapists and physical therapist assistants and to delete redundant language; to Rule 64B17-3.002, F.A.C. is to clarify and simplify the requirements for licensure examinations and examination retakes for physical therapists and physical therapist assistants; to Rule 64B17-3.006, F.A.C. is to update the rule by deleting reference to a repealed Department rule and to eliminate redundancy by including both physical therapists and physical therapist assistants. The purpose and effect of the promulgation of Rule 64B17-3.007, F.A.C. is to set forth criteria for Board approval of credentialing agencies and credentials evaluation reports.

SUMMARY: The proposed amendments to Rule 64B17-3.001, F.A.C. clarify procedures for licensure by examination and by endorsement for physical therapists and physical therapist assistants, including required education for application by examination or without examination (by endorsement); the proposed rule amendments to Rule 64B17-3.002, F.A.C. clarify the procedures for licensure examinations for physical therapists and physical therapist assistants, identify the required examinations, set forth passing scores, and explain procedures after failing examinations; the proposed amendments to Rule 64B17-3.006, F.A.C. delete reference to Department Rule 64B-1.004, F.A.C., and add new language to clarify penalties for subverting or undermining the examination process; the proposed promulgation and adoption of Rule 64B17-3.007, F.A.C. sets forth procedures for Board approved credentialing agencies and evaluation reports.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.017, 486.023(4), 486.025, 486.031(3), 486.104 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.0635, 456.38, 486.031, 486.041, 486.051, 486.061, 486.0715, 486.081, 486.102, 486.103, 486.104 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

A substantial rewording of Rule 64B17-3.001 follows. See Florida Administrative Code for present text.

64B17-3.001 Licensure as a Physical Therapist by Examination

(1) Application. Every person who applies for licensure as a physical therapist or physical therapist assistant shall file DOH Form #DH-MQA 1142, Application for Licensure, revised 10/16, which is hereby incorporated by reference and is available through <http://www.flrules.org/Gateway/reference.asp?No=Ref-> or www.floridasphysicaltherapy.gov/resources.

(2) Qualifications for Licensure. All applicants for licensure as a physical therapist or physical therapist assistant must demonstrate the following:

(a) Is eighteen years old;

(b) Possesses good moral character; and

(c) Education:

1. For physical therapists, have received a degree in physical therapy from an institution that has been approved for the training of physical therapists by the Commission on Accreditation in Physical Therapy Education (CAPTE), at the time of graduation; or

2. For physical therapist assistants, have received a degree as a physical therapist assistant from a physical therapist assistant educational program accredited by the Commission on Accreditation in Physical Therapy (CAPTE) at the time of graduation; or

3. For physical therapists and physical therapist assistants who have received a diploma from a program in physical therapy in a foreign country, have received a determination that their credentials are equivalent to the education and preparation required for licensure as a physical therapist or physical therapist assistant in the United States. Educational credentials equivalent to those required for the education and preparation of physical therapists or physical therapist assistants in this country shall be determined by an agency as provided in Rule 64B17-3.007, F.A.C.

(3) Additional provision for applications for licensure without examination (by endorsement).

(a) For purposes of compliance with sections 486.031 and 486.017, Florida Statutes, the standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department.

(b) An applicant for licensure without examination who has been educated in a foreign country shall demonstrate minimum educational qualifications, as used in paragraph (3)(a), by:

1. Obtaining a determination of educational credentials equivalency as provided by Rule 64B17-3.007, F.A.C.; or

2. Providing the following:

a. A certified copy of the credential evaluation used by the physical therapy licensing board of another state. The evaluation must be on the appropriate coursework tool (CWT) adopted by the Federation of State Boards of Physical Therapy (FSBPT) and reflect the education criteria in place at the time of graduation, and

b. Proof of 1000 clinical practice hours each year in the United States for five (5) out of the last ten (10) years.

i. Full-time teaching of physical therapy education may count toward 250 of the 1000 required practice hours per year.

ii. Proof of clinical practice hours in the United States shall consist of submission of a written statement evidencing the number of clinical hours the applicant practiced in each of the five (5) years.

(4) An applicant for licensure as a physical therapist who has failed to pass the National Physical Therapy Examination for Physical Therapists or an applicant for licensure as a physical therapist assistant who has failed to pass the National Physical Therapy Examination for Physical Therapist Assistants by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Rulemaking Authority 486.025, 486.031(3), 486.104 FS. Law Implemented 456.013, 456.017, 456.0635, 456.38, 486.031, 486.041, 486.051, 486.061, 486.0715, 486.081, 486.102, 486.103, 486.104 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07, 5-11-08, 5-21-09, 8-10-09, 7-5-10, 12-17-12, 12-15-14, _____.

A substantial rewording of Rule 64B17-3.002 follows. See Florida Administrative Code for present text.

64B17-3.002 Licensure Examination Subjects and Passing Score; Laws and Rules Examination; Additional Requirements After Third Failure; ~~Laws and Rules Examination.~~

(1) The licensure examination for physical therapists shall be the National Physical Therapy Examination (NPTE) for Physical Therapists developed by the Federation of State Boards of Physical Therapy (FSBPT). The licensure examination for physical therapist assistants shall be the National Physical Therapy Examination for Physical Therapist Assistants developed by the FSBPT. An applicant for

licensure by examination who has previously taken the NPTE examination must have obtained a passing score on the NPTE examination within the five (5) years immediately prior to the filing of the application for licensure.

(2) Florida Laws and Rules Examination.

(a) All applicants for licensure including those seeking licensure without examination (by endorsement) are required to take and pass the Florida Laws and Rules Examination developed by the FSBPT. Passing scores on the Laws and Rules Examination are set by the FSBPT and are not valid for more than five years after the Applicant took the examination.

(b) The Florida Laws and Rules Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%;

2. Board Powers and Duties 5%;

3. Licensure and Examination 7.5%;

4. Patient Care 35%;

5. Disciplinary Action and Unlawful Practice 15%; and

6. Consumer Advocacy 12.5%.

(3) Passing Scores.

(a) Passing scores on the NPTE and Florida Laws and Rules Examination are determined by the FSBPT. In determining whether an applicant has received a passing score, the Board will use the information contained in the applicant's FSBPT Score Report.

(b) In cases where an applicant's Score Report does not state "pass" or "fail," the Board will deem an applicant to have passed the examination if the applicant's raw scaled score is not less than one point five (1.5) standard deviations below the national average for that examination offering.

(4) Examination retakes.

(a) In order to retake either the NPTE or the Florida Laws and Rules Examination, an applicant must reapply, using DOH Form #DH-MQA 1143, Re-Exam Application, Revised 11/15, incorporated by reference, which is available through http://www.flrules.org/Gateway/reference.asp? No=_____ or www.floridasphysicaltherapy.gov/resources.

(b) If an applicant wishes to take the NPTE examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy examination. An applicant who has completed these additional requirements may take the examination on two more occasions.

Rulemaking Authority 456.017, 486.025, 486.104 ~~486.051~~ FS. Law Implemented 456.017, 486.031, 486.051, 486.102, 486.104 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly

59Y-3.002, Amended 2-14-02, 4-23-02, 12-5-04, 4-9-06, 1-7-07, 6-27-07, 5-21-09, 8-10-09, 6-29-10, _____.

64B17-3.006 Examination Security and Sanctions for Subversions

~~(1) The Board incorporates Department Rule 64B-1.004, F.A.C., relating to the security of examinations.~~

~~(2) An applicant, licensee, or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be subject to penalties up to and including disqualification from taking the examination and from licensure as a physical therapist or physical therapist assistant, and up to receiving a failing grade on the examination if applicable pursuant to guidelines set forth in Rule 64B17-7.001(1)(k), F.A.C.~~

~~Rulemaking Specific Authority 486.023(4), 486.025, FS. Law Implemented 456.017(1)(d) FS. History—New 6-12-03, Amended 8-9-04, _____.~~

64B17-3.007 Board Approved Credentialing Agencies; Credentials Evaluation Reports.

(1) For purposes of identifying appropriate agencies to conduct credentialing evaluations of non-United States educated applicants, the Board approves the following:

(a) The Foreign Credentialing Commission on Physical Therapy Education (FCCPT); or

(b) Any other organization which meets the criteria of subsection (2), below.

(2) Criteria for Board approval as an educational credentialing agency. The Board will approve credentialing agencies to conduct educational equivalence evaluations if such agency:

(a) Has a comprehensive, standardized orientation and training program for all reviewers who must be experienced and knowledgeable in the area of physical therapy education;

(b) Has an audit and quality assurance or review committee that regularly meets to monitor the evaluation process and to provide random audits of the credentials reviews;

(c) Uses the Federation of State Boards of Physical Therapy (FSBPT) coursework evaluation tool that reflects the educational criteria in place at the time of graduation;

(d) Employs full time staff support, including an international expert in General Education credential equivalency and analysis;

(e) Has an updated, current, and comprehensive resource document library available for reference;

(f) Uses two independent physical therapists to perform the professional education component of the credentials reviews; and

(g) Uses original documentation from the institution with institutional seals and signatures and does not permit notarized copies of transcripts or course descriptions for credentials reviews.

(3) Educational equivalency evaluation reports.

(a) All educational credentials evaluation reports must contain, at a minimum, the following information:

1. A clear and definitive statement as to whether the education is equivalent to a CAPTE-accredited physical therapy educational program;

2. Whether the institution is accredited by any governmental agency and, if so, which agency;

3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated; and

4. A statement that the educational expert's or physical therapist's evaluation is not affiliated with the institutions or individual under review.

(b) All opinions contained in the report shall be substantiated by reference to the source materials that form the basis for the opinion.

Rulemaking Authority 486.025, 486.031(3), 486.102, 486.104 FS. Law Implemented 486.031, 486.102 FS. History—New

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NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2016
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 21, 2016

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NO.: RULE TITLE:

64K-1.003 Accessing Database

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 42 No. 143, July 25, 2016 issue of the Florida Administrative Register has been withdrawn.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On November 15, 2016, the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Geraldo Fiallos located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 42, No. 224, F.A.R., on November 17, 2016. The Order for this Petition was signed and approved on December 6, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship for the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer’s specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance

and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On November 15, 2016, the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Armando Fiallos located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 42, No. 224, F.A.R., on November 17, 2016. The Order for this Petition was signed and approved on December 6, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship for the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer’s specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On November 18, 2016, the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Dollar Restaurant LLC located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

On November 18, 2016, the Division of Hotels and Restaurants received a Petition for a Routine Variance for Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, paragraph 61C-1.004(1)(a), Florida Administrative Code, and Section 5-203.13, 2009 FDA Food Code from MB Redevelopment LLC located in Miami Beach. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils be provided and that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to use the warewashing and mopsink facilities located within a business located in the same building under the same ownership.

The Petition for this variance was published in Vol. 42, No. 226, F.A.R., on November 21, 2016. The Order for this Petition was signed and approved on December 6, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship for the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

The Petition for this variance was published in Vol. 42, No. 226, F.A.R., on November 21, 2016. The Order for this Petition was signed and approved on December 6 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring the warewashing and mopsink facilities located within Loews Miami Beach Hotel, SEA2327611 are maintained in a clean and sanitary manner and are available during all hours of operation. The Petitioner shall also ensure that the warewashing and mopsink facilities are provided with hot and cold running water under pressure. If the ownership of Miami Joes Coffee and/or Loews Miami Beach Hotel changes, an updated signed agreement for use of the warewashing and mopsink facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On November 29, 2016, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from PCS Private Chef Services LLC located in Margate. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 42, No. 231, F.A.R., on November 30, 2016. The Order for this Petition was signed and approved on December 6, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship for the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Ian and Iani Auto Sale and Repair (2130 Mears Pkwy. Margate, FL 33063), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of PCS Private Chef LLC and/or Ian and Iani Auto Sale and Repair changes, an updated signed agreement for use of the bathroom facilities will be required immediately. A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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 December 6, 2016, the Division issued an order. The Final Order was in response to a Petition for an emergency permanent Variance from Volcano Bay Waterslide Unit 364, filed November 10, 2016, and advertised on November 14, 2016, in Vol. 42, No. 221, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.12.7, A.S.M.E. A17.1b, 2009 edition, and Rule 2.27.3.2.1, A.S.M.E. A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires providing hoistway access switches and Phase 1 Emergency recall operation by fire alarm initiating devices 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 (VW2016-259).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 7, 2016, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from AMC Florida Inc. located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the three-compartment sink and the handwash sink.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 7, 2016, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from Half Moon Empanadas at MIA LLC located in Miami. The F.A.C. referenced above addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the three-compartment sink and the handwash sink.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

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

DATE AND TIME: Friday, December 16, 2016, 2:00 p.m. (ET)

PLACE: Room 307 - R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida; telephone conference: 1(888)670-3525, participant code: 8511869563#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Great Floridian Committee will meet to review and consider nominations and select the names of individuals to recommend to the Secretary of State for designation as 2016 Great Floridians.

The toll-free number for all who wish to participate by phone is 1(888)670-3525 and the participant PIN code to enter is 8511869563#.

A copy of the agenda may be obtained by contacting: Susanne Hunt at susanne.hunt@dos.myflorida.com.

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

For more information, you may contact: Susanne Hunt, susanne.hunt@dos.myflorida.com.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a cancellation of customer meeting.

DATE AND TIME OF CANCELLED MEETING: Thursday, December 8, 2016, 6:00 p.m.

PLACE: Historic City Hall, 225 East Main Street, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 160143-WU – Application for staff-assisted rate case in Hardee County by Charlie Creek Utilities, LLC.

The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

NOTE: THIS PREVIOUSLY NOTICED CUSTOMER MEETING HAS BEEN CANCELLED AND RESCHEDULED FOR JANUARY 19, 2016.

PUBLIC SERVICE COMMISSION

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

DAY, DATE AND TIME: Thursday, January 19, 2017, 6:00 p.m.

PLACE: Historic City Hall, 225 East Main Street, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 160143-WU – Application for staff-assisted rate case in Hardee County by Charlie Creek Utilities, LLC.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact: Marissa Friedrich of the Commission staff, (850)413-6473.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact: the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EMERGENCY CANCELLATION OF MEETING: If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

PUBLIC SERVICE COMMISSION

Corrected Notice of Meeting: the Florida Public Service Commission announces a public meeting in the following docket to which all persons are invited.

DATE AND TIME: Thursday, January 19, 2017, 6:00 p.m.

PLACE: Historic City Hall, 225 East Main Street, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 160143-WU – Application for staff-assisted rate case in Hardee County by Charlie Creek Utilities, LLC.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact: Marissa Friedrich of the Commission staff, (850)413-6473.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to contact: the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EMERGENCY CANCELLATION OF MEETING: If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed

by calling the Office of the General Counsel at (850)413-6199.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2016, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in Section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-16-17-035) for Pancake Geiger-Mueller Monitoring Instruments.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Kara Godwin, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)922-1649, Kara.Godwin@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kara Godwin, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)922-1649, Kara.Godwin@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: December 27, 2016, 10:00 a.m., ET

PLACE: Department of Management Services, 4050 Esplanade Way, Room 109, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Management Services hereby provides notice of a Public Meeting for evaluators of DMS-16/17-018 Fully Insured Health Maintenance Organization Benefits and

Self-Insured Health Services ITN to submit and confirm Technical Scoring.

There is no dial-in teleconference number available for this meeting. All members of the public are welcome to attend at the time and place designated in the notice.

A copy of the agenda may be obtained by contacting: Sharita Newman, sharita.newman@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator, (850)488-0439. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sharita Newman. Any changes to the schedule for this meeting will be posted on the Department's Vendor Bid System (VBS). It is the responsibility of anyone interested in the meeting to check the VBS for updates.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 25, 2017, 4:00 p.m.; Thursday, January 26, 2017, 8:30 a.m.; Friday, January 27, 2017, 8:30 a.m.

PLACE: The Residence Inn Amelia Island, 2301 Sadler Road, Fernandina Beach, FL 32034, (904)277-2440

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wednesday, January 25, 2017 at 4:00 p.m.: Probable Cause Panel (portions may be closed to the public); Thursday, January 26, 2017 at 8:30 a.m.: Discipline and General Business; Friday, January 27, 2017 at 8:30 a.m.: General Business.

A copy of the agenda may be obtained by contacting: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)487-1395.

DEPARTMENT OF HEALTH

The Florida Department of Health Biomedical Research Section announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 9, 2016, 12:30 p.m.

PLACE: Conference call number: 1(888)670-3525, participant code: 5311418626#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this conference call is to finalize the Cancer Centers of Excellence Joint Committee's recommendations pertaining to the Cancer Centers of Excellence designation. Earlier notices for this meeting listed a number of potential dates and times for this conference call. These notices were submitted to FAR on November 23, 2016 and were posted in Volume 42, No. 229. They may be viewed at the following links:

https://www.flrules.org/gateway/View_Notice.asp?id=18305469

https://www.flrules.org/gateway/View_Notice.asp?id=18305566

https://www.flrules.org/gateway/View_Notice.asp?id=18305663

Once again, the final date and time for this conference call is December 9, 2016 at 12:30 p.m., ET.

A copy of the agenda may be obtained by contacting: Bonnie Gaughan-Bailey at Bonnie.Gaughan-Bailey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Acupuncture

The Florida Board of Acupuncture announces a public meeting to which all persons are invited.

DATE AND TIME: Update: this meeting has been cancelled – December 9, 2016, 9:00 a.m.

PLACE: This meeting has been cancelled – Renaissance Orlando at SeaWorld, 6677 Sea Harbour Drive, Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. Meetings may be cancelled prior to the meeting date. Please check the Board website at <http://floridasacupuncture.gov/> for cancellations or changes to meeting dates or times.

A copy of the agenda may be obtained by contacting: Amber Greene at Amber.Greene@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Amber Greene at Amber.Greene@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Amber Greene at Amber.Greene@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Psychology

The Board of Psychology announces public meetings to which all persons are invited.

DATES AND TIMES: The meetings scheduled for January 24, 2017; March 21, 2017; May 23, 2017; July 18, 2017; September 19, 2017 and November 14, 2017 will begin at 8:30 a.m., ET. This is a change from the previously noticed time of 8:00 a.m.

PLACE: Conference call: 1(888)670-3525; when prompted, insert participant code: 7811783909 followed by the # sign

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

A copy of the agenda may be obtained by contacting: The Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373 or by visiting the website at www.floridaspsychology.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)245-4444, ext. 3565. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Children's Medical Services

RULE NO.: RULE TITLE:

64C-7.002 Collection Procedures for Newborn Screening

The Florida Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 16, 2016, 1:00 p.m. – 2:00 p.m.

PLACE: Conference call: 1(888)670-3525, participant code: 2883350850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Participants will have a conference call discussion that will focus on the implementation of new disorders to the Florida Newborn Screening Panel. Attendees will include members from the Genetic and Newborn Screening Council. The purpose of the council is to act as an advisory body to the Department of Health in the screening of newborns for metabolic, congenital, and hereditary disorders including hearing.

A copy of the agenda may be obtained by contacting: Dusty Edwards, dusty.edwards@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support

The Division of Emergency Preparedness and Community Support, BEMO/EMS announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2016, 8:30a.m. – 9:30 a.m., ET

PLACE: <https://global.gotomeeting.com/join/651052253>; to dial in by phone: United States, +1(571)317-3116; United States (toll-free), 1(877)309-2070; participant code: 651-052-253

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing meetings to discuss and establish a plan of action for accomplishing the EMS State Plan's Goals and Objectives assigned to the EMSAC Data Committee.

A copy of the agenda may be obtained by contacting: Joshua Sturms, joshua.sturms@flhealth.gov or (850)245-4440, ext. 2836.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Joshua Sturms, Joshua.sturms@flhealth.gov or (850)245-4440, ext. 2836. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Division of Public Health Statistics and Performance Management

The Florida Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 10, 2017, 12:00 Noon – 1:30 p.m., ET

PLACE: Conference number: 1(888)670-3525, participant code: 548 807 2525

GENERAL SUBJECT MATTER TO BE CONSIDERED: PWAC Strategic Plan workgroup.

A copy of the agenda may be obtained by contacting: Health Resources and Access Section at (850)245-4009.

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: Health Resources and Access Section at (850)245-4009. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Health Resources and Access Section at (850)245-4009.

FLORIDA PRESCRIPTION DRUG MONITORING PROGRAM FOUNDATION

The Florida Prescription Drug Monitoring Program Foundation announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 15, 2016, 6:00 p.m.

PLACE: Telephone conference: toll-free: 1(888)537-7715, participant code: 66812234#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Florida PDMP Foundation board of directors.

A copy of the agenda may be obtained at www.flpdmpfoundation.com/information.

For more information, you may contact: Bob Macdonald, Executive Director, executive.director@flpdmpfoundation.com, (850)284-4490.

INWOOD CONSULTING ENGINEERS, INC.

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

DATE AND TIME: Thursday, December 15, 2016, 2:30 p.m. – 6:30 p.m., Open House; presentation: continuous loop throughout open house

PLACE: Flagler Beach City Hall, 105 S. 2nd Street, Flagler Beach, Florida 32136

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Financial Management No.: 440557-1

Project Description: State Road A1A Long-Term Improvements Feasibility Study from south of S. 28th Street to south of Osprey Drive

The Florida Department of Transportation (FDOT) will hold a public meeting to address long-term improvement strategies being developed as part of a feasibility study for the section of State Road (SR) A1A from south of S. 28th Street to south of Osprey Drive in Flagler County.

The study, which builds on the recently constructed short-term improvements, is evaluating a range of long-term improvement options for SR A1A. The study is being conducted in association with the US Army Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. Ultimately, the study will conclude with a range of options that will be further assessed by local, state and federal agencies.

The purpose of the public meeting is to present initial findings related to existing and future conditions and to receive input from interested stakeholders.

Persons desiring to submit written statements in place of or in addition to oral statements may do so at the meeting or by sending them to Amy Sirmans, FDOT Project Manager, 719 South Woodland Boulevard, DeLand, FL 32720, Amy.Sirmans@dot.state.fl.us.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting: Jennifer Smith, FDOT District Five Title VI Coordinator, (386)943-5367, Jennifer.Smith2@dot.state.fl.us.

Persons with disabilities who require special accommodations under the Americans with Disabilities Act or persons who require translation services, free of charge, should contact: Ms. Laura Clark, (407)971-8850, LClark@inwoodinc.com, at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information about the project, you may contact: Amy Sirmans, FDOT Project Manager, (386)943-5404, Amy.Sirmans@dot.state.fl.us.

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

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION
University of North Florida
RFQ 17-06 Architect for East Ridge Residence Hall
NOTICE TO PROFESSIONAL CONSULTANTS
REQUEST FOR QUALIFICATIONS
RFQ 17-06 ARCHITECT FOR EAST RIDGE RESIDENCE
HALL

The University of North Florida Board of Trustees, a public body corporate, announces that professional services are required in the discipline of architecture for the programming of the East Ridge Hall project located at the University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

Project information

The scope of services for this project includes providing the complete programming document for the continued development of UNF's Eastern Ridge to accommodate a new 500 bed facility to house additional residents inclusive of all the associated amenities. The first phase of this project is aimed at compiling a list of qualified consultants for the programming phase. The University reserves the option to select another consulting firm to complete the design, construction document and perform contract administration. Alternatively, UNF may decide to continue working with the programing consultant under a separate contract to complete this project. See the bid documents for caveats and further clarifications of the project scope.

The proposed schedule for this project is:

Advertisement	December 8, 2016
Non-mandatory pre-submittal meeting	December 20, 2016 at 10:00 a.m.
Submittals Due	January 12, 2017 at 2:00 p.m.
Evaluation Meeting(s)	February 2017
Interviews/Award	February/March 2017

Firms wishing to apply for consideration shall submit a Letter of Application/Interest with the appropriate documents from RFQ 17-06 titled Architect for East Ridge Residence Hall.

The Letter of Application should have attached:

1. The most recent version of the "Professional Qualifications Supplement," completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Eight complete copies of the above requested data bound and in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Minority business participation is strongly recommended and supported by the University of North Florida.

Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as part of the Basic Services (each, aggregate and per occurrence).

As required by §287.133, Fla. Stat., a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplemental forms, descriptive project information and selection criteria may be obtained online at the UNF Procurement Services website at <http://www.unf.edu/procurement/>.

Submit one original and seven complete copies of submittals per directions. RFQ submittals must be received no later than 2:00 p.m. on January 12, 2017. Facsimile (fax) or email submittals are not acceptable and will not be considered.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BDC31-16/17, Wakulla County Shell Point Beach – Beach Nourishment

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC31-16/17, Wakulla County Shell Point Beach – Beach Nourishment. More info at <http://tinyurl.com/BDC31-16-17>.

DEPARTMENT OF JUVENILE JUSTICE

“ITN 10359 - A 24-bed nonsecure residential program for boys ages 10-14 in need of MHOS - Central Region”

The Department is seeking a twenty-four (24) bed Residential Program for boys appropriate for nonsecure residential placement, between the ages of ten (10) and fourteen (14) years old with innovations in delinquency programming and treatment services. The proposed services shall also include funding for twenty-four (24) filled slots for males in need of Mental Health Overlay Services (MHOS). The program shall be located in a Department-owned building located at 2145 Bob Phillips Road, Bartow, FL 33830, in DJJ’s Central Region. All public meetings for this ITN are advertised on the Vendor Bid System at: http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=130369.

FLORIDA POLYTECHNIC UNIVERSITY
Request for Qualifications Applied Research Center Design
A&E SERVICES ADVERTISEMENT
RFQ 16-028
FPU APPLIED RESEARCH CENTER
Main Campus Lakeland Florida
NOTICE TO PROFESSIONAL CONSULTANTS

Florida Polytechnic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture & Engineering Services, will be required for the project listed below:

RFQ No.: 16-028

Project and Location: Located on Florida Polytechnic University’s Main Campus in Lakeland Florida, the selected firm will provide professional design services, Advanced Program Analysis, Design, Cost Analysis and Construction Documents for the referenced project in conformance with the Florida Poly Campus Design and Construction Standards, September 2016, which are available via the following website: <https://floridapolytechnic.org/campus-development-and-facilities/>.

The Principal/Lead Architectural Professional Design Firm shall be expected to assemble an Architectural and Engineering team with expertise in programming and designing state-of-the-art wet, and dry research laboratory spaces for higher education facilities. Professional design services for this Construction Manager at Risk construction delivery method will include comprehensive programming and design services for the new Applied Research Center (ARC) construction and utility distribution infrastructure. The new ARC gross square feet (GSF) will be programmed to focus on a research laboratory concentration requiring significant allocation for a wet and dry laboratory building, and exhaust damper system design.

The completed ARC design will include all required new construction, furniture, fixtures, and equipment. Design will achieve the University’s Design Standard meeting Silver Certification minimum from the U.S. Green Building Council Leadership with Energy and Environmental Design (LEED) rating program.

Phased Project Construction

The new construction project will include infrastructure modifications and initial construction of the new ARC within availability of state appropriated resources.

Applied Research Center (ARC)

The new ARC construction, comprising approximately 85,100 gross square feet (GSF), will be located and connect to the south causeway of the existing Innovation Science and Technology Building. The proposed project will include research laboratories, training/meeting, and research support offices. Anticipated Concept programming will include the following:

- Research Laboratories – comprising approx. 64.0 percent of the building
- Research Support Offices and Conference Rooms – comprising 31.3 percent of the building
- Study and Student Support – comprising 4.7 percent of the building

PROJECT LOCATION: Florida Polytechnic University, JD Alexander Campus, 4700 Research Way Lakeland FL, 33805-8531, at 4400 Polytechnic Circle.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application in accordance with the instructions contained in the project solicitation documents that may be downloaded from: <https://floridapolytechnic.org/resources/current-competitive-solicitations/>.

It is recommended that interested firms visit this website frequently for any additional information relative to this request for qualifications solicitation (RFQ).

Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$35,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Sole Point(s) of Contact for this project, Mr. David O'Brien, Director of Procurement, dobrien@flpoly.org and/or Ms. Treasa McLean, Associate Director, tmclean@flpoly.org.

From the date of issuance of this Notice until a final selection of a consultant is made or a notice of cancellation is posted, the consultant must not make available or discuss its proposal, or any part thereof, with any employee or agent of the University, unless permitted by the Sole Point(s) of Contact, in writing, for purposes of clarification only, as set forth herein.

Any individual associated with a consultant who contacts any other university employee, including but not limited to members of the Selection Committee, regarding any aspect of this project, who attempts to discuss the project with any representative of FPU other than the Sole Point(s) of Contact, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point(s) of Contact information at any time in the process, participating consultants will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via email to the Sole Point(s) of Contact. No oral communications shall be considered as a change to the Notice. FPU may respond to questions deemed by the University to be

material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of the FPU and that interpretation shall be final.

All postings referred to in this Notice will be posted electronically on the FPU Procurement website: <https://floridapolytechnic.org/resources/current-competitive-solicitations/>. At all times it shall remain the responsibility of the consultants participating in this solicitation to check the website for postings of addenda, short lists, and award decisions. No further notice will be given.

A mandatory pre-submittal meeting will be held on Wednesday, January 11, 2017 at 9:00 a.m. Eastern Time in the Aula Magna of the Innovation, Science & Technology Building (IST 1000-1001) on the Florida Polytechnic University - JD Alexander Campus in Lakeland, FL.

One (1) Original and Five (5) bound sets and one (1) electronic copy of the required proposal data shall be submitted to: Florida Polytechnic University, 4700 Research Way, University Mailroom (4550 Polytechnic Circle), Lakeland, Florida 33805-8531, ATT: David O'Brien, Director of Procurement by 2:00 p.m. local time on February 8, 2017.

Section XII Miscellaneous

ST. LUCIE COUNTY ATTORNEY'S OFFICE

Notice for Wireless Communication Facility in Rights-of-Way
The County of St. Lucie, Florida gives notice of proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way.

SECOND READING TO BE HELD:

DATE AND TIME: Tuesday, December 20, 2016, 6:00 p.m.

PLACE: The Commission Chambers, Roger Poitras Building, Third Floor, St. Lucie County Administration Building, 2300 Virginia Avenue, Fort Pierce, FL 34982

SUBJECT: Providing for postponement on the acceptance of applications for, or the approval of, permits or development orders for wireless communications facilities within rights-of-way during a specified term.

A copy of the proposed ordinance can be obtained by calling the County Attorney's Office at (772)462-1441 or by visiting the County Attorney's Office during regular business hours.

Section XIII
Index to Rules Filed During Preceding
Week

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