

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-51.001 Manner of Application.

PURPOSE AND EFFECT: The Council proposes the rule amendment to reorganize both the application and the instructions for clarity and ease of application. A request for Exam History to be used in the granting of temporary permits is added, and Mandatory Education Requirements, the Request for a Temporary Permit, and Laser Hair Removal are updated.

SUBJECT AREA TO BE ADDRESSED: Manner of application

RULEMAKING AUTHORITY: 478.43(1), (4) FS.

LAW IMPLEMENTED: 456.0635, 478.45, 478.46, 478.47, 478.53, 478.055 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: Allen Hall, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3254.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-6.003 Reactivation of Inactive License

PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate the reactivation form and delete language that is incorporated into the form instructions.

SUBJECT AREA TO BE ADDRESSED: Incorporate form and delete language.

RULEMAKING AUTHORITY: 456.036, 464.006, 464.014 FS.

LAW IMPLEMENTED: 456.036, 464.014 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; Joe.Baker@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-6.004 Retired Licensure Status

PURPOSE AND EFFECT: The purpose of the amendment is to delete unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Delete language.

RULEMAKING AUTHORITY: 456.036(10), (15) FS.

LAW IMPLEMENTED: 456.036(2), (4)(b), (10), (12), (15) 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.

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DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-7.001 Fees

PURPOSE AND EFFECT: The purpose of the amendment is to add duplicate license fee.

SUBJECT AREA TO BE ADDRESSED: Add fee.

RULEMAKING AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.0115, 464.012, 464.013, 464.014, 465.0276, 1009.66 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; Joe.Baker@flhealth.gov.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-32.001 Nonresident Pharmacy Permit.

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule concerning how to obtain a nonresident pharmacy permit, to update and streamline the process for efficiency, and to incorporate the Nonresident Pharmacy Permit Application.

SUBJECT AREA TO BE ADDRESSED: Nonresident Pharmacy Permit.

RULEMAKING AUTHORITY: 465.005, 465.0156 FS.

LAW IMPLEMENTED: 465.0156, 456.065(3) 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: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-32.003 Nonresident Pharmacy Permit -- Mandatory Notification for Change in Location, Change in Pharmacy Name, Change in Corporate Officer and Change in PDM.

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule regarding instructions for a change in locations, change in pharmacy name, and change in corporate officer and PDM for a nonresident pharmacy permit holder.

SUBJECT AREA TO BE ADDRESSED: Nonresident Pharmacy Permit - Mandatory Notification for Change in Location, Change in Pharmacy Name, Change in Corporate Officer and Change in PDM.

RULEMAKING AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.0156, 456.025(10) 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.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-32.005 Nonresident Pharmacy Exemption "Isolated Transactions."

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule regarding conditions for exemption for "isolated transactions" by a nonresident pharmacy.

SUBJECT AREA TO BE ADDRESSED: Nonresident Pharmacy Exemption "Isolated Transactions."

RULEMAKING AUTHORITY: 465.0156(2) FS.

LAW IMPLEMENTED: 465.0156(2) 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: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-32.007 Nonresident Sterile Compounding Permit
 for Nonresident Pharmacies.

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule regarding nonresident sterile compounding permit for nonresident pharmacies and to incorporate the nonresident sterile compounding permit application for nonresident pharmacies.

SUBJECT AREA TO BE ADDRESSED: Nonresident Sterile Compounding Permit for Nonresident Pharmacies.

RULEMAKING AUTHORITY: 465.0158 FS.

LAW IMPLEMENTED: 465.0158, 456.065(3) 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.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-32.009 Nonresident Sterile Compounding Permit
 for an Outsourcing Facility.

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule regarding nonresident sterile compounding permit for an outsourcing facility and to incorporate the Nonresident Sterile Compounding Permit Application for Outsourcing Facilities.

SUBJECT AREA TO BE ADDRESSED: Nonresident Sterile Compounding Permit for an Outsourcing Facility.

RULEMAKING AUTHORITY: 465.0158 FS.

LAW IMPLEMENTED: 465.0158, 456.065(3) 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.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-32.011 Nonresident Sterile Compounding Permits -
 Mandatory Notification for a Change in
 Pharmacy Name and Change in Prescription
 Department Manager.

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule regarding Nonresident Sterile Compounding Permits – Mandatory Notification for a Change in Pharmacy Name and Change in Prescription Department Manager.

SUBJECT AREA TO BE ADDRESSED: Nonresident Sterile Compounding Permits – Mandatory Notification for a Change in Pharmacy Name and Change in Prescription Department Manager.

RULEMAKING AUTHORITY: 465.005, 465.0158(8) FS.

LAW IMPLEMENTED: 465.0158, 456.065(3) 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.

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

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.: RULE TITLE:
64B16-32.013 Nonresident Sterile Compounding Permits -
Change in Location or Change in
Ownership.

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule regarding Nonresident Sterile Compounding Permits – Change in Location or Change in Ownership.

SUBJECT AREA TO BE ADDRESSED: Nonresident Sterile Compounding Permits – Change in Location or Change in Ownership.

RULEMAKING AUTHORITY: 465.005, 465.0158(8) FS.

LAW IMPLEMENTED: 465.0158 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.

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

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.: RULE TITLE:
64B16-32.015 Approved Inspection Entities - Nonresident
Sterile Compounding Permit for
Nonresident Pharmacy.

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule to set the standards for those entities seeking approval to perform sterile compounding inspections for nonresident pharmacies who hold or who are seeking a nonresident sterile compounding permit.

SUBJECT AREA TO BE ADDRESSED: Approved Inspection Entities – Nonresident Sterile Compounding Permit for Nonresident Pharmacy.

RULEMAKING AUTHORITY: 465.0158 FS.

LAW IMPLEMENTED: 465.0158 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.

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

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.: RULE TITLE:
64B16-32.017 Approved Inspection Entities - Nonresident
Sterile Compounding Permit for
Outsourcing Facilities.

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule to set the standards for those entities seeking approval to perform sterile compounding inspections for nonresident outsourcing facilities who hold or who are seeking a nonresident sterile compounding permit.

SUBJECT AREA TO BE ADDRESSED: Approved Inspection Entities – Nonresident Sterile Compounding Permit for Outsourcing Facilities.

RULEMAKING AUTHORITY: 465.0158 FS.

LAW IMPLEMENTED: 465.0158 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: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.: RULE TITLE:
64B16-32.019 Mandatory Inspection for Nonresident
Sterile Compounding Permits.

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule to provide instructions regarding mandatory inspection for nonresident sterile compounding permits.

SUBJECT AREA TO BE ADDRESSED: Mandatory Inspection for Nonresident Sterile Compounding Permits.

RULEMAKING AUTHORITY: 465.0158 FS.

LAW IMPLEMENTED: 465.0158 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: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:

2A-2.002 Victim Compensation Claims

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify definitions and benefit amounts.

SUMMARY: This rule provides clarification of the benefit amounts

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 the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 3., F.S.

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

RULEMAKING AUTHORITY: 960.045(1)(b), 960.13(9)(b) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198, 960.199 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: Michelle Crum, Chief, Bureau of Victim Compensation

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-2.002 Victim Compensation Claims.

(1) through (6) No change.

(7) Documentation Requirements

(a) through (k) No change.

(l) Total benefits paid on a single claim ~~or after July 1, 2010,~~ cannot exceed ~~the~~ \$15,000 when the victim is not deceased, or catastrophically injured, \$25,000 when the victim is deceased, or ~~\$50,000~~ ~~\$30,000~~ when the victim has sustained a catastrophic injury as defined in Section 960.03(1), F.S. Benefits paid to medical, mental health, or grief counseling treatment providers shall be paid at a rate of 66.667% or less depending on the availability of funds.

Rulemaking Authority 960.045(1), 960.13(9)(b) FS. Law Implemented 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198 FS. History—New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, 5-13-03, 1-16-08, 7-1-10, 11-19-12, 10-1-14, 9-23-15, 2-29-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Michelle Crum, Chief, Bureau of Victim Compensation

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Attorney General Pam Bondi

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 04, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: April 15, 2016

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:

2A-8.005 Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUMMARY: The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

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 the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1million within five years as established in Section 120.541(2)(a)1., 2., and 3., F.S.

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

RULEMAKING AUTHORITY: 112.19 FS

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2016 ~~2015~~ increased .01 ~~.02~~ percent. Therefore, the statutory amount for the period July 1, 2016 ~~2015~~ through June 30, 2017~~2016~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); ~~\$65,773.24~~ \$65,905.08.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); ~~\$65,773.24~~ \$65,905.08.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); ~~\$198,272.73~~ \$198,669.21.

Rulemaking Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06, 7-15-07, 7-20-08, 7-20-09, 7-4-10, 7-18-11, 8-21-12, 7-03-13, 7-2-14, 7-5-15, 12-24-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Attorney General Pam Bondi

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 4, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: April 27, 2016

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-4.300 Waiting List Procedures

PURPOSE AND EFFECT: The purpose of the proposed rules is to establish standardized procedures for the school readiness application and the maintenance of a uniform waiting list pursuant to statutory mandate.

SUMMARY: The proposed rule standardizes the application for the School Readiness program and standardizes how early learning coalitions will maintain the waiting list.

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 office's economic analysis of the adverse impact or potential regulatory costs of the proposed rule does not exceed any of the criteria established in s. 120.541(2)(a), F.S. The rule will standardize school readiness program application and waiting list procedures throughout the state.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1001.213(2), 1002.82(2)(f)1.c., FS.

LAW IMPLEMENTED: 1002.81(14), 1002.82(2)(f)1.c., 1002.84(2), 1002.85(2)(c)2., 1002.87(3), FS.

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

DATE AND TIME: May 31, 2016, 2:00 p.m. – 3:00 p.m. EST, or at the conclusion of business whichever is earlier

PLACE: via GoToWebinar only. To register for the webinar, please visit:

http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx

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: Katerina Maroney, School Readiness Policy Supervisor, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8550. 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: Katerina Maroney, School Readiness Policy Supervisor, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8550

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 6M-4.300 follows. See Florida Administrative Code for present text.

6M-4.300 School Readiness Application and Waiting List Procedures

(1) Definitions

(a) “Early learning coalition” or “coalition” refers to the entity charged with administering school readiness program services pursuant to ss. 1002.83 and 1002.84, F.S.

(b) “Eligible” means that a family meets the school readiness eligibility criteria pursuant to s. 1002.87, F.S. and Rule 6M-4.200(2) or (3), F.A.C.

(c) “Notification” means that the early learning coalition has contacted the parent or documented attempts to contact the parent via telephone, email, fax or mail.

(d) “Parent” means individual defined in Rule 6M-4.200(1)(c), F.A.C.

(e) “Potentially eligible” means that the family’s application appears to meet the requirements for eligibility but

the family has not yet submitted necessary documentation to determine eligibility.

(f) “Prequalifying questions” means questions that parents must answer prior to submitting an application. The prequalifying questions screen families according to the school readiness eligibility requirements pursuant to s. 1002.87, F.S. and Rule 6M-4.200(2) or (3), F.A.C.

(g) “Revalidation” means the process of a family’s confirmation that the information about the family on the waiting list is current.

(h) “Removal” means that a family is removed from the waiting list for a reason identified in subsection (4)(d) below.

(i) “Single point of entry (SPE)” also known as the Family Portal, means the process established under s. 1002.81(14), F.S. for a parent to apply for the school readiness program at various locations throughout a county.

(j) “Waiting list” means a list of children waiting for potential enrollment in the school readiness program once funding is available. The list is a record of the names of parent(s), the names and dates of birth of their children, waiting list date and anticipated eligibility and priority category for seeking school readiness services. The waiting list is maintained by the early learning coalition.

(2) Prequalifying Questions and School Readiness Application.

(a) In order to participate in the school readiness program, parents shall submit a prequalifying questionnaire, file an application if appropriate, and provide requested documentation to an early learning coalition. If funds are available at the time of application the coalition shall conduct an eligibility determination. If funds are not available at the time of application, the coalition shall place the child or children on a waiting list as set forth herein.

(b) All parents requesting school readiness program services must first complete the prequalifying questions before completing the School Readiness application, if applicable, and submit it through the single point of entry available at the following web address: <https://familyservices.floridaearlylearning.com>. Questions three and four of the prequalifying questions are based on the current Federal Poverty Level (FPL) for the total number of family members reported in question two. Parents may complete the prequalifying questions and School Readiness application at any time. If the results of the prequalifying questions indicate that the family may be potentially eligible, the family will then be directed to complete the school readiness application. Upon completion of the school readiness application, parents must submit at least one document to complete the application process. The document may be a current paystub, a verification of employment statement, written statement from employer, school enrollment

or class registration, or documentation of a temporary or permanent disability.

1. Form OEL-SR 01-PQ, Prequalifying Questions, dated July, 2016, are hereby incorporated by reference and may be obtained at the office website at www.floridaearlylearning.com or by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, FL 32399. The incorporated form is also available at: <placeholder for FAR reference materials link>.

2. Form OEL-SR 01, School Readiness Application, dated July, 2016, are hereby incorporated by reference and may be obtained at the office website at www.floridaearlylearning.com or by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, FL 32399. The incorporated form is also available at: <placeholder for FAR reference materials link>.

(c). If the prequalification screening results indicate that the family may not be potentially eligible, the family shall be directed to contact the early learning coalition which shall offer Child Care Resource and Referral (CCR&R) services pursuant to Rule 6M-9.300, F.A.C.

(3) Eligibility Screening.

(a) Early learning coalitions shall review each submitted application and required documentation within 20 calendar days of receipt to determine if the parent is potentially eligible pursuant to s. 1002.87(1), F.S. The early learning coalition shall notify the parent if the eligibility criteria have or have not been met.

(b) If the coalition determines that the family is potentially eligible based on their application and funding is available, the early learning coalition shall conduct an eligibility determination pursuant to s. 1002.87, F.S. and Rule 6M-4.200(2) or (3), F.A.C. Upon determining the family eligible for the school readiness program, the child is eligible for enrollment with a provider delivering the school readiness program. The coalition shall indicate the required supporting documents for eligibility determination pursuant to Rule 6M-4.208, F.A.C.

(c) If the family is potentially eligible and funding is not available, the early learning coalition shall place the child on its waiting list according to subsection (4).

(d) If the family is not potentially eligible, the early learning coalition shall offer the parent CCR&R services pursuant to Rule 6M-9.300, F.A.C.

(4) Waiting List Management.

Each coalition shall utilize a waiting list as an enrollment management tool for the school readiness program on an ongoing basis. An early learning coalition shall not purge its waiting list by removing all children at one time. A coalition's waiting list management shall consist of:

(a) Placement of Children on the Waiting List.

1. A family shall be placed on the waiting list on a first-come, first-serve basis, based on the date of the submitted application, the potential eligibility category and priority categories specified in s. 1002.87(1), F.S., and the age of the child. An early learning coalition may consider local service priorities within a priority category.

2. If a parent requests school readiness program services for an additional child following placement on the waiting list, the additional child shall be placed on the waiting list according to the initial date the family was placed on the waiting list. The additional child shall also be assigned a potential eligibility category and priority specified in s. 1002.87(1), F.S.

3. An unborn child shall not be eligible for the waiting list.

4. A parent may update the information reported in the school readiness application. The coalition shall review the changes according to subsection (3). If the family remains potentially eligible, the family shall retain its place on the waiting list.

(b) Revalidation.

At least once every six (6) months from the date the family was initially placed on the waiting list or from the last revalidation date the coalition shall contact the parent and request the parent to submit updated information regarding eligibility status. The coalition shall notify the parent within 30 calendar days prior to the revalidation date.

(c) Availability of Funding.

The early learning coalition shall notify the parent within thirty (30) calendar days of funding availability to potentially enroll the child in the school readiness program. In the notice, the coalition shall provide instructions to the parent on how to complete the school readiness eligibility determination process pursuant to Rule 6M-4.208, F.A.C.

(d) Removal from the Waiting List.

The coalition shall notify the parent of removal from the waiting list. The notification shall include the reason why the family was not placed on the waiting list or why the family or child was removed from the waiting list. Notice of removal is not required when funding becomes available for the child to receive school readiness services and the child is enrolled with a school readiness provider. A family will be removed from the waiting list under the following circumstances:

1. Failure to maintain accurate contact information;

2. Failure to meet the school readiness eligibility requirements as specified in s. 1002.87(1), F.S.;

3. Failure to confirm information. The parent does not validate its information by the due date indicated on the notification;

4. Over age limitations. Any child on the waiting list age 13 or older will be removed from the waiting list;

5. School readiness services no longer needed. The parent indicates, via email, fax, mail, telephone or in person, that school readiness services are no longer needed;

6. The parent does not respond to the notification for available funding by the due date;

7. The family no longer resides in the early learning coalition's service delivery area; or

8. Funding becomes available for the child to receive school readiness services and the child is enrolled with a school readiness provider. Actual eligibility determination will be conducted prior to authorization for enrollment, which will be based on available funding. Enrollment in the school readiness program will be on a first-come, first-serve basis pursuant to s. 1002.87(1), F.S.

(5) Reapplication.

(a) If a family is removed from the waiting list, a parent must reapply for school readiness services and shall be screened for eligibility according to subsection (3) to be placed back onto the waiting list and receive a new waiting list date.

(b) If a family on the waiting list of an early learning coalition moves out of the coalition's service area, the family shall reapply for eligibility services with the coalition operating in the family's new location. The family will receive a new waiting list date with the coalition offering services in the new location.

Rulemaking Authority ~~411.01(4)(e)~~ 1001.213(2), 1002.82(2)(f)1.c., FS. Law Implemented ~~411.01(5)(e)~~ 1002.81(14), 1002.82(2)(f)1.c., 1002.84(2), 1002.85(2)(c)2., 1002.87(3), FS. History—New 4-21-03, Amended _____ Formerly 60BB-4.300.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Reginal Williams, Manager of Program Integrity

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Rodney J. MacKinnon, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 05, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 04/08/2016

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.002 Licensing and Inspection Requirements

PURPOSE AND EFFECT: To add the new license type for the culinary education programs, adopt updated applications and remove obsolete term usage.

SUMMARY: The proposed rule amendment will update the rule to reflect changes made to Chapter 509, F.S., by Laws of Florida, Chapter 2016-120. The proposed rule will also adopt the license applications and remove obsolete term usage.

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 economic review conducted by the agency.

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: 509.032, 509.241, 509.2112 FS.

LAW IMPLEMENTED: 213.0535, 509.032, 509.221, 509.241, 509.242, 509.251, 559.79, 509.2112 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: Cindy Ross, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399; 850-488-1133; dhr.rules@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.002 Licensing and Inspection Requirements.

(1) No change.

(2) To apply for licensure, an applicant must submit the appropriate application and the required fee, pursuant to Section 509.251, F.S. and Rule 61C-1.008, F.A.C., to the division. Any license fee received by the division is non-refundable once the establishment commences operation.

(a) License Applications.

1. Public lodging establishments, except vacation rentals and timeshare projects, required to be licensed by the division, under Chapter 509, F.S., must submit DBPR HR-7027, Application for Public Lodging Establishment License (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06282>), incorporated herein by reference and effective 2016 July 2015 December 1.

2. Vacation rentals and timeshare projects required to be

licensed by the division under Chapter 509, F.S., must submit DBPR HR-7028, Application for Vacation Rental or Timeshare Project License (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06283>), incorporated herein by reference and effective ~~2016 July~~ ~~2015 December 1~~.

3. Public food service establishments required to be licensed by the division under Chapter 509, F.S., must submit one of the following applications, as appropriate to the establishment.

a. DBPR HR-7007, Application for Public Food Service Establishment License (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06285>), incorporated herein by reference and effective ~~2016 July~~ ~~2015 December 1~~.

b. DBPR HR-7030, Application for Public Food Service Establishment License with Plan Review (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06287>), incorporated herein by reference and effective ~~2016 July~~ ~~2015 December 1~~.

c. DBPR HR-7031, Application for Mobile Food Dispensing Vehicle License with Plan Review (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06288>), incorporated herein by reference and effective ~~2016 July~~ ~~2015 December 1~~.

4.(a) Temporary public food service establishments required to be licensed by the division under Chapter 509, F.S., must complete DBPR Form HR 5021-029, Temporary Event Vendor Receipt, Application and Inspection (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04024>), incorporated herein by reference and effective 2014 March 24. The division will provide a copy of this application at the time of inspection. ~~Prior to the temporary event, temporary public food service establishments may submit DBPR HR 7029, Application for Temporary Event Vendor License (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03891>), incorporated herein by reference and effective 2014 February 1. The division will provide the temporary event organizer or temporary public food service establishments scheduled to attend an event with a copy of DBPR HR 7029, Application for Temporary Event Vendor License, when using the optional form to collect information prior to an event.~~

(b) Pursuant to Section 559.79(1), F.S., the application shall require the name, address and social security number of each person who owns 10 percent or more of the outstanding stock or equity interest in the licensed activity. The division shall keep the social security number of each person reported on the application confidential, except in accordance with Section 559.79(3), F.S., and as provided in law with other governmental agencies.

(c) Pursuant to Section 213.0535, F.S., the application shall require the federal employer identification number and sales tax identification number of the applicant. The division shall keep such numbers confidential except as provided in conjunction with the Registration Information Sharing and Exchange Program and as provided in law with other governmental agencies.

(3) through (4) No change.

(5) Public food service establishments, as defined in Section 509.013(5), F.S., are licensed in accordance with the following classifications and requirements:

(a) Nonseating:

1. through 2. No change.

3. Caterer – Caterers are classified as any public food service establishments where food or drink is prepared for service elsewhere in response to an agreed upon contract for a function or event. The term includes catering kitchens ~~and commissaries~~. For the purpose of this rule, the term “caterer” does not include those establishments licensed pursuant to Chapter 500 or 381, F.S., or any other location where food is provided or displayed for sale by the individual meal. A licensed public food service establishment that also provides catering services is not required to hold a separate catering license from the division. Caterers must meet all applicable standards of a public food service establishment as provided in Rules 61C-1.004, 61C-4.010 and 61C-4.023, F.A.C. Separate independent caterers utilizing the equipment or premises of a licensed public food service establishment are deemed operators as defined by Section 509.013(2), F.S., of such public food service establishment and subject to all applicable requirements of law and rule.

4. through 6. No change.

7. Culinary education programs – Nonseating culinary education programs are culinary education programs as defined in 381.0072(2), F.S., which offer, prepare, serve, or sell food to the general public and that do not otherwise provide accommodations for consumption of food by guests on the premises, or premises under the control of the establishment.

(b) Seating:

1. Permanent – Permanent Seating establishments are classified as those public food service establishments that provide and maintain accommodations for consumption of food on the premises of the establishment or under the control of the establishment. The operator of the establishment is responsible for providing the number of seats available to the public to the division prior to licensing. Prior to making any changes in the number of seats provided which may affect the license fee, fire safety, or the wastewater disposal system, the operator must report the change to the division by submitting DBPR Form HR 5021-103, Seating Change Evaluation

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00895>), incorporated herein by reference and effective October 22, 2008, or any document obtained from the local authorities having jurisdiction that provides proof the operator obtained approval for the change. A change in the number of seats is not valid until approved by the division. License fees related to a seating change are not due until the license is renewed, unless the seating change is part of a license application.

2. Culinary education programs – Seating culinary education programs are culinary education programs as defined in 381.0072(2), F.S., which offer, prepare, serve, or sell food to the general public and that provide and maintain accommodations for consumption of food on the premises of the establishment or under the control of the establishment. The operator of the establishment is responsible for providing the number of seats available to the public to the division prior to licensing. Prior to making any changes in the number of seats provided which may affect the license fee, fire safety, or the wastewater disposal system, the operator must report the change to the division by submitting DBPR Form HR 5021-103, Seating Change Evaluation or any document obtained from the local authorities having jurisdiction that provides proof the operator obtained approval for the change. A change in the number of seats is not valid until approved by the division. License fees related to a seating change are not due until the license is renewed, unless the seating change is part of a license application.

(c) Plan Reviews.

1. No change.

2. The plans and specifications shall indicate the general operation of the establishment; the intended menu items; location of employee and public bathrooms; proposed layout, including all work, guest, and employee areas and storage facilities; construction finishes of work areas; and equipment location, design and installation, including the type of proposed fixed equipment and facilities. Plans and specifications must be submitted by the owner, prospective operator or their designated representative along with DBPR HR-7005, Application for Plan Review (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06290>), incorporated by reference herein and effective ~~2016 July 2015 December 1~~, or DBPR HR-7030, Application for Public Food Service Establishment License with Plan Review. Plans and specifications, for mobile food dispensing vehicles must be submitted by the owner, prospective operator or their designated representative along with DBPR HR-7006, Mobile Food Dispensing Vehicle Plan Review Application (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06291>), incorporated herein by

reference and effective ~~2016 July 2015 December 1~~, or DBPR HR-7031, Application for Mobile Food Dispensing Vehicle License with Plan Review. The division shall grant or deny approval of the plans in writing pursuant to the provisions of Chapter 120, F.S.

3. No change.

(d) No change.

(6) through (7) No change.

(8) General Inspection Requirements.

(a) Division personnel shall inspect all public lodging establishments as often as necessary for enforcement of the provisions of law and rule and protection of the public's health, safety and welfare. The result of each inspection shall be recorded on DBPR Form HR-5022-014, LODGING INSPECTION REPORT

(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02632>), incorporated herein by reference and effective ~~2016 July January 1, 2013~~, a legible copy of which shall be provided to the operator.

(b) Division personnel shall inspect all public food service establishments and other places where food is served to or prepared for service to the public as often as necessary for enforcement of the provisions of law and rule and protection of the public's health, safety and welfare. The result of each inspection, except inspections of temporary public food service establishments, shall be recorded on DBPR Form HR-5022-015, FOOD SERVICE INSPECTION REPORT (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06198>), incorporated herein by reference and effective ~~2016 July July 1, 2015~~, a legible copy of which shall be provided to the operator. The result of each inspection of a temporary public food service establishment shall be recorded on DBPR Form HR 5021-029, TEMPORARY EVENT VENDOR RECEIPT, APPLICATION AND INSPECTION, a legible copy of which shall be provided to the operator. Persons operating a public food service establishment shall permit division personnel right of entry during operating hours to observe food preparation and service, and if necessary examine records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used.

(c) through (d) No change.

(9) Obtaining forms. All forms incorporated in this section are available from the Division of Hotels and Restaurants internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail request submitted at www.MyFloridaLicense.com/contactus; by phone request to the department at (850) 487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 2601 Blairstone Road ~~1940 North Monroe Street~~, Tallahassee,

Florida 32399-1011.

PROPOSED EFFECTIVE DATE: July 1, 2016

Rulemaking Authority 509.032, 509.241, 509.2112 FS. Law Implemented 213.0535, 509.032, 509.221, 509.241, 509.242, 509.251, 559.79, 509.2112 FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.02, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, 9-9-03, 1-1-13, 7-4-13, 7-1-14, 11-20-14, 12-28-15, 2-24-16, 7-1-16.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Akin, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation.

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ken Lawson, Secretary, Department of
Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 28, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: April 5, 2016

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.008 License Fees

PURPOSE AND EFFECT: To set the license fees for the new
license type for the culinary education programs.

SUMMARY: The proposed rule will set the license fees for
the new license type for the culinary education programs.

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 economic review conducted by the agency.

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: 509.032, 509.251 FS.

LAW IMPLEMENTED: 509.013, 509.032, 509.251, 509.302
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: Cindy Ross, Division of Hotels and
Restaurants, Department of Business and Professional
Regulation, 1940 North Monroe Street, Tallahassee, Florida
32399; (850)488-1133; dhr.rules@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.008 License Fees.

(1) through (3) No change.

(4) Amount of License Fee – Public Food Service
Establishment. The license fee for a public food service
establishment shall be in accordance with the following
schedule exclusive of the categories of fee adjustments set
forth in subsections 61C-1.008(1), (2) and (5), F.A.C.:

(a) Nonseating:

1.

	BASIC FEE	SERVICE TYPE FEE	EPIDEMIOLO GICAL FEE	HEP FEE	TOTAL FEE
Permanent	\$220	\$0	\$12	\$10	\$242
Mobile Food Dispensin g Vehicle	\$185	\$135	\$17	\$10	\$347
Catering	\$185	\$55	\$13	\$10	\$263
Culinary Education Program	\$220	\$0	\$12	\$10	\$242

2. through 3. No change.

(b) Seating:

NO. OF SEATS	BASIC FEE	CAPACI TY FEE	EPIDEMIOLO GICAL FEE	HEP FEE	TOTAL FEE
1-49	\$185	\$55	\$12	\$10	\$262
50-149	\$185	\$65	\$13	\$10	\$273
150-249	\$185	\$85	\$14	\$10	\$294
250-349	\$185	\$105	\$15	\$10	\$315
350-499	\$185	\$125	\$16	\$10	\$336
500 or more	\$185	\$145	\$17	\$10	\$357

(c) No change.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2016

*Rulemaking Authority 509.032, 509.251 FS. Law Implemented
509.013, 509.032, 509.251, 509.302 FS. History—New 7-31-
79, Revised 9-1-80, Formerly 7C-1.08, Amended 5-10-89, 9-*

10-89, 10-31-89, 4-3-90, 12-31-90, 9-11-91, 2-27-92, 7-6-92, 8-23-92, 11-4-92, 4-4-93, Formerly 7C-1.008, Amended 9-20-93, 12-22-93, 6-29-95, 10-9-95, 9-25-96, 5-11-98, 9-21-00, 9-9-03, 1-18-12, 11-1-12, 2-1-14, 11-20-14, 12-28-15, 7-1-16.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Akin, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation.

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ken Lawson, Secretary, Department of
Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 28, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: April 5, 2016

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-14.002 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule
amendment to update disciplinary guidelines.

SUMMARY: Disciplinary Guidelines will be updated.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS AND LEGISLATIVE
RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.039(3), 456.072,
456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.033, 456.053, 456.062, 456.063,
456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 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: Anthony B. Spivey, Executive
Director, Board of Podiatric Medicine, 4052 Bald Cypress
Way, Bin #C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.002 Disciplinary Guidelines.

(1) The Board sets forth below a range of disciplinary
guidelines from which disciplinary penalties will be imposed
upon an applicant or licensee whom it regulates under Chapter
461, F.S. The purpose of the disciplinary guidelines is to give
notice to licensees of the range of penalties which will
normally be imposed upon violations of particular provisions
of either Section 461.012 or 456.072, F.S. The brief
description of each violation is provided for quick reference
and is not meant to convey all elements of any given statutory
provision; the full language of each statutory provision cited
must be consulted in order to determine the conduct involved.
The disciplinary guidelines are based upon a single count
violation of each provision listed. Multiple counts of
violations of the same provision of Chapter 461, F.S., or the
rules promulgated thereto, or other unrelated violations
contained in the same administrative complaint will be
grounds for enhancement of penalties. All penalties at the
upper range of the sanctions set forth in the guidelines, i.e.,
suspension, revocation, etc., include lesser penalties, i.e., fine,
probation or reprimand which may be included in the final
penalty.

~~(1) Unless mitigating or aggravating factors are
demonstrated when the Board finds an applicant or licensee
whom it regulates under Chapter 461, F.S., has committed any
of the acts set forth in either Section 461.012 or 456.072, F.S.,
it shall issue a final order imposing appropriate penalties, plus
costs based upon the severity and repetition of the offense
within the ranges recommended in the following disciplinary
guidelines:~~

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) Practicing or attempting to practice podiatric medicine or advertising podiatric services in this State without an active license to practice podiatric medicine pursuant to Chapter	In the case of an applicant, the Board shall deny the application and impose a \$10,000 fine. In the case of a licensee who has obtained or attempted to obtain a license by fraud, the	

<u>VIOLATION</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>
461, F.S., or with a license fraudulently obtained.	Board shall impose probation to revocation and a fine of \$10,000. In the case of a licensee who has practiced, attempted to practice, or advertised while holding an inactive or delinquent license, the Board shall impose a reprimand with or without a period of suspension and a fine of \$10,000.	
(b) 456.072 Using or attempting to use a license to practice podiatric medicine which has been suspended.	The Board shall impose a penalty of revocation.	
(c) Selling or fraudulently obtaining or furnishing any podiatry diploma, license, or record of registration or aiding or abetting in the same.	The Board in the case of a licensee shall impose a penalty ranging from suspension to revocation and a fine of \$8,000 10,000 . In the case of an applicant, the Board shall deny the application and impose a \$8,000 10,000 fine.	The Board in the case of a licensee shall impose a penalty ranging from suspension to revocation and a fine of \$10,000. In the case of an applicant, the Board shall deny the application and impose a \$10,000 fine.
(d) Making any willfully false oath or affirmation whenever an oath or affirmation is required by Chapter 461, F.S.	The Board in the case of licensee shall impose a penalty ranging from suspension to revocation and a fine of \$8,000 10,000 . In the case of an applicant, the Board shall also deny the application in addition to the \$8,000 10,000 fine.	The Board in the case of licensee shall impose a penalty ranging from suspension to revocation and a fine of \$10,000. In the case of an applicant, the Board shall also deny the application in addition to the \$10,000 fine.

<u>VIOLATION</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>
(e) Using the name or title "Podiatrist," "Doctor of Podiatry," "Doctor of Podiatric Medicine," or using the phrase "foot clinic," "foot doctor," "Podiatric Technician," or any other name, title, or phrase which would lead the public to believe that such person is engaging in the practice of podiatric medicine, unless such person is licensed as a podiatric physician in this State.	The Board in the case of a licensee shall impose a penalty ranging from a reprimand to suspension, and a fine of \$1,000 to \$8,000 10,000 . In the case of an applicant, the Board shall deny the application. If fraud, making a false or fraudulent representation is alleged and shown, a \$8,000 10,000 fine shall be imposed in addition to other actions.	The Board in the case of a licensee shall impose a penalty ranging from a reprimand to suspension, and a fine of \$1,000 to \$10,000. In the case of an applicant, the Board shall deny the application. If fraud, making a false or fraudulent representation is alleged and shown, a \$10,000 fine shall be imposed in addition to other actions.
(f) Knowingly concealing information relative to a violation of Chapter 461, F.S.	The Board in the case of a licensee shall impose a penalty ranging from a reprimand to an administrative fine from \$500 to \$2,000. In the case of an applicant, the Board shall deny the application.	The Board in the case of a licensee shall impose a penalty ranging from probation to revocation, and an administrative fine from \$500 to \$10,000. In the case of an applicant, the Board shall deny the application.

(2) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon an applicant or licensee whom it regulates under Chapter 461, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of either Section 461.012 or 456.072, F.S. The brief description of each violation is provided for quick reference and is not meant to convey all elements of any given statutory provision; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 461, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the

upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty.

~~(2) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, F.S., has committed any of the acts set forth in either Section 461.013(1), 456.013(7), 456.033, 456.053, 456.062, 456.067 or 456.072, F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:~~

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
(a) Attempting to obtain, obtaining or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board.	In the case of an applicant, the Board shall deny the application and impose a fine of \$10,000, if fraud. In the case of a licensee, the Board shall impose a penalty of a reprimand to revocation and a fine of \$500 to \$8,000, 10,000, and referral for criminal investigation, if bribery; a \$10,000 fine if fraudulent misrepresentation; and a reprimand and fine of \$500 to \$1,000 if error of Department.	In the case of an applicant, the Board shall deny the application and impose a fine of \$10,000, if fraud. In the case of a licensee, the Board shall impose a penalty of a reprimand to revocation and a fine of \$500 to \$10,000, and referral for criminal investigation, if bribery; a \$10,000 fine if fraudulent misrepresentation; and a reprimand and fine of \$500 to \$1,000 if error of Department.
(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.	In the case of a licensee, the Board shall impose a penalty that parallels the action taken by the other jurisdiction and a fine from \$500 to \$8,000, 10,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the	In the case of a licensee, the Board shall impose a penalty that parallels the action taken by the other jurisdiction and a \$10,000 fine, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Board shall deny the

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
	Board shall deny the application.	application.
(c) Being convicted or found guilty, including any plea of nolo contendere, regardless of adjudication, of a crime in any jurisdiction which is directly related to the practice of podiatric medicine or the ability to practice podiatric medicine.	In the case of a licensee, the Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$8,000, 10,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Board shall deny the application.	In the case of a licensee, the Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Board shall deny the application.
(d) Advertising in a manner which is false, deceptive or misleading.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$5,000 10,000.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$10,000.
(e) Advertising, practicing or attempting to practice under one's own name other than one's own.	The Board shall impose a penalty ranging from reprimand to suspension and a fine from \$1,000 to \$5,000. If fraud, making a false or fraudulent representation is alleged and shown, a \$10,000 fine shall be imposed in addition to other actions.	The Board shall impose a penalty ranging from reprimand to suspension and a fine from \$1,000 to \$10,000. If fraud, making a false or fraudulent representation is alleged and shown, a \$10,000 fine shall be imposed in addition to other actions.
(f) Failing to report to the Department any person the licensee knows to be in violation of Chapter 461, F.S., or the rules of the Board or Department.	The Board shall impose a penalty of a reprimand and a fine of \$500 to \$2,000.	The Board shall impose a penalty of a reprimand and a fine of \$2,000 to \$10,000.
(g) Aiding, assisting,	The Board shall	The Board shall

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
procuring, permitting or advising any unlicensed person to practice podiatric medicine contrary to Chapter 461, F.S., or the rules of the Board or application. Department.	impose a penalty of probation to suspension and a fine from \$1,000 to \$5,000. In the case of an applicant, the Board shall deny the application.	impose a penalty of probation to suspension and a fine from \$5,000 to \$10,000. In the case of an applicant, the Board shall deny the application.
(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatric physician.	The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$5,000 to \$8,000 to \$10,000.	The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$5,000 to \$10,000.
(i) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed podiatric physician.	If negligent, the Board shall impose a penalty ranging from reprimand to probation and a fine of \$2,500 to \$5,000 to \$10,000. If fraud, the Board shall impose a penalty ranging from probation to revocation and a fine of \$8,000 to \$10,000.	If negligent, the Board shall impose a penalty ranging from reprimand to probation and a fine of \$10,000. If fraud, the Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000.
(j) Paying or receiving any commission, bonus, kickback, rebate or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency	The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$1,000 to \$5,000 to \$10,000.	The Board shall impose a penalty ranging from reprimand to suspension and a fine of \$10,000.

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies.		
(k) Making misleading, deceptive, untrue or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$5,000 to \$10,000.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$10,000.
(l) Soliciting patients either personally or through an agent.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$500 to \$2,000.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$2,000 to \$10,000.
(m) Failing to keep written medical records justifying the course of treatment of the patient.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$500 to \$2,000.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$2,000 to \$10,000.
(n) Exercising influence on the patient or client in	The Board shall impose a penalty ranging from	The Board shall impose a penalty ranging from

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
such a manner as to exploit the patient or client for financial gain of the licensee or of a third party.	probation to suspension and a fine of \$1,000 to \$5,000 or \$10,000.	probation to suspension and a fine of \$5,000 to \$10,000.
(o) Performing professional services which have not been duly authorized by the patient or client or his legal representative.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$1,000 to \$5,000 or \$10,000.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$5,000 to \$10,000.
(p) Prescribing, dispensing, administering, mixing or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatric physician's professional practice.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$8,000 or \$10,000.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000.
(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in Chapter 893, F.S., by the podiatric physician to himself except those prescribed, dispensed or administered to the podiatric physician by another practitioner authorized to prescribe, dispense or administer them.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$1,000 to \$8,000 or \$10,000.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$10,000.
(r) Prescribing, ordering, dispensing, administering, supplying, selling or giving amphetamine	The Board shall impose a penalty ranging from suspension to revocation and a fine	The Board shall impose a penalty ranging from suspension to revocation and a fine

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to Chapter 893, F.S.	of \$1,000 to \$8,000 or \$10,000.	of \$10,000.
(s) Being unable to practice podiatric medicine with reasonable skill and time as the licensee demonstrates rehabilitation followed by narcotic, chemicals or any other type of material or as a result of any mental or physical condition.	The Board shall impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Board and a fine from \$1,000 to \$5,000 or \$2,500. If the individual is an applicant, the Board shall deny the application.	The Board shall impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Board and a fine from \$5,000 to \$10,000. If the individual is an applicant, the Board shall deny the application.
(t) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician as being acceptable under similar conditions and circumstances.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$8,000 or \$10,000, depending on the severity of the offense.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$8,000 to \$10,000, depending on the severity of the offense.
(u) Performing any procedure or prescribing any therapy which, by prevailing standards of podiatric practice in the community, would constitute experimentation on human subjects	The Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$8,000 or \$10,000.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$8,000 to \$10,000.

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
without first obtaining full, informed, and written consent.		
(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$1,000 to \$8,000, depending on the severity of the offense.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$8,000 to \$10,000, depending on the severity of the offense.
(w) Delegating professional responsibilities to a person when the licensee delegates such responsibilities to know that such person is not qualified by training, experience or licensure to perform them.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$500 to \$5,000, depending on the severity of the offense.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$5,000 to \$10,000, depending on the severity of the offense.
(x) Violating any provision of Chapter 461 or 456, F.S., or any rule of the Board or Department.	The Board shall impose a penalty ranging from a fine of \$1,000 to \$8,000, and probation or suspension if a practice issue is involved or denial of license, if an applicant.	The Board shall impose a penalty ranging from a fine of \$8,000 to \$10,000, and probation or suspension if a practice issue is involved or denial of license, if an applicant.
(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce,	The Board shall impose a penalty of reprimand to probation and a fine of \$500 to \$1,500.	The Board shall impose a penalty of reprimand to probation and a fine of \$2,000 to \$10,000.

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
intimidate or preclude another licensee from lawfully advertising his services.		
(z) Prescribing, ordering, dispensing, administering, supplying, selling or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (CG), or other hormones for the purpose of muscle building or to enhance athletic performance.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$5,000 to \$8,000, depending on the severity of the offense.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$8,000 to \$10,000, depending on the severity of the offense.
(aa) Fraud, deceit, or misconduct in the practice of podiatric medicine.	The Board shall impose a penalty depending on the severity of the offense ranging from probation to revocation and a fine of \$5,000, to \$8,000, to \$10,000 if fraud is alleged.	The Board shall impose a penalty depending on the severity of the offense ranging from probation to revocation and a fine of \$8,000, to \$10,000 if fraud is alleged.
(bb) Failure to report to the Department any licensee under Chapter 458 or 459, F.S., for violations of disciplinary administrative provisions of their laws and rules.	In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine of \$500 to \$2,000.	In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine of \$2,000 to \$5,000.
(cc) Failure to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information regarding their patient rights.	In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine from \$250 to \$1,000.	In the case of a licensee, the Board shall impose a penalty of a reprimand and an administrative fine from \$2,000 to \$5,000.

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
(dd) Failure to comply with HIV/AIDS education requirement.	The Board shall impose an administrative fine from \$500 to \$1,000.	The Board shall impose a reprimand and an administrative fine from \$2,000 to \$5,000.
(ee) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$1,000.	The Board shall impose a penalty ranging from probation to suspension and a fine of \$5,000.
(ff) Engaging or attempting to engage a patient or client in sexual misconduct as defined in s. 456.063(1), F.S.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$5,000 to \$8,000.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000.
(gg) Failure to comply with the requirements of profiling or credentialing.	The Board shall impose an administrative fine from \$500 to \$1,000.	The Board shall impose a reprimand and an administrative fine from \$1,000 to \$5,000.
(hh) Failure to report a criminal conviction or plea to the Board in writing within 30 days.	The Board shall impose a penalty ranging from reprimand to probation and a \$500 to \$1,000 administrative fine.	The Board shall impose a penalty ranging from reprimand to probation and a \$2,000 to \$5,000 administrative fine.
(ii) Using information about people involved in motor vehicle accidents which has been derived from accident reports.	The Board shall impose a penalty ranging from reprimand to probation and an administrative fine of \$1,000 to \$5,000.	The Board shall impose a penalty ranging from reprimand to probation and an administrative fine of \$5,000 to \$10,000.
(jj) Sexual misconduct as defined in s. 456.063(1), F.S., other than involving a patient or client	The Board shall impose a penalty ranging from probation to revocation and a fine of \$5,000 to \$8,000.	The Board shall impose a penalty ranging from probation to revocation and a fine of \$10,000.

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
	shall result in denial of licensure or relinquishment or revocation of the license.	
(kk) Testing positive on a preemployment drug screen.	The Board shall impose a \$500 fine and refer the licensee to PRN for screening and possible treatment if medically necessary.	The Board shall impose a \$2,000 fine and refer the licensee to PRN for screening and possible treatment if medically necessary.
(ll) Performing health care services on the wrong patient, wrong site, wrong or unauthorized procedure.	The Board shall impose a penalty ranging from reprimand to suspension, require continuing medical education, and impose a fine of \$1,000 to \$5,000.	The Board shall impose a penalty ranging from reprimand to suspension, require continuing medical education, and impose a fine of \$5,000 to \$10,000.
(mm) Leaving an undisclosed foreign object in patient.	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$1,000 to \$5,000.	The Board shall impose a penalty ranging from reprimand to probation, require continuing education, and a fine of \$5,000 to \$10,000.
(nn) Failure to complete the two-hour course on medical errors.	The Board shall impose a fine of \$500 to \$1,000.	The Board shall impose a fine of \$1,000 to \$5,000.
(oo) Using a Class III or Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to Section 501.122(2), F.S., governing the registration of such devices with the Department of	The Board shall impose a penalty ranging from reprimand to probation and a fine of \$250 to \$1,000.	The Board shall impose a penalty ranging from reprimand up to probation, require continuing education in lasers and a fine of \$1,000 to \$5,000.

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
Health and Rehabilitative Services.		
(pp) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.	The Board shall impose a penalty ranging from suspension to revocation and a fine of \$1,000 to \$8,000.	The Board shall impose a penalty ranging from suspension up to revocation and a fine of \$10,000.
(qq) Failure to report sexual misconduct as required by s. 456.072(1)(l), F.S.	The Board shall impose a penalty of reprimand and a fine of \$500 to \$1,000.	The Board shall impose a penalty of probation up to suspension and a fine of \$1,000 to \$5,000.
(rr) Failure to submit or update required information.	The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$500 to \$2,500 pursuant to Section 456.039(3)(b), F.S.	The Board shall impose a penalty ranging from a reprimand up to probation plus a fine of \$2,500 to \$5,000.00 pursuant to Section 456.039(3)(b), F.S.
(ss) Termination from impaired practitioner treatment program.	The Board shall impose a penalty of suspension until individual proves ability to practice with reasonable skill and safety.	The Board shall impose a penalty of suspension until individual proves ability to practice with reasonable skill and safety to revocation.
(tt) Failure to comply with a lawful order of the Board.	The Board shall impose a penalty of suspension until compliance and payment of fine from \$500.00 to \$1,000.00.	The Board shall impose a penalty of suspension until compliance and payment of fine from \$1,000.00 to \$5,000.00.
(uu) Failure to provide the last known address of record pursuant to Section 456.035, F.S.,	The Board shall impose a reprimand or suspension until compliance and payment of fine from \$500.00 to \$2,000.00.	The Board shall impose a penalty of suspension until compliance and payment of a fine from \$2,000.00 to \$5,000.00.

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
(vv) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, to any of the acts set forth in Section 456.072(1)(ii), F.S., relating to the Medicaid program,;	The Board shall impose a penalty ranging from suspension to revocation and a fine of \$1,000 to \$8,000.	The Board shall impose a penalty ranging from suspension to revocation and a fine of \$8,000 to 10,000.
(ww) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement,	The Board shall impose a penalty ranging from a reprimand to suspension and a fine from \$2,500 to \$5,000.	The Board shall impose a penalty ranging from a reprimand to suspension and a fine of \$5,000 to \$10,000.
(xx) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored,;	The Board shall impose a penalty ranging from a reprimand to revocation and a fine of \$250 to \$8,000, according to the nature of the offense and the substantiating evidence.	The Board shall impose a penalty ranging from a reprimand to revocation and a fine of \$10,000, according to the nature of the offense and the substantiating evidence.
(yy) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud,;	The Board shall impose a penalty ranging from suspension to revocation and a fine of \$2,500 to \$8,000, per count.	The Board shall impose a penalty ranging from suspension to revocation, require continuing education, and a fine of \$8,000 to \$10,000, per count.
(aaa) Authorizing or	The Board shall	The Board shall

VIOLATION	FIRST OFFENSE MINIMUM	SECOND OFFENSE MAXIMUM
directing a person, not certified pursuant to 461.0135, F.S., to operate X-ray equipment, in violation of 461.012(2)(v) or 456.072(1)(j), F.S. (bbb) 456.072(ee), F.S.: With respect to making a personal injury protection claim as required by s. 627.736, intentionally submitting a claim, statement, or bill that has been "upcoded" as defined in s. 627.732.	impose a penalty of reprimand and a fine of \$250.	impose a penalty of reprimand up to suspension and a fine of \$500 to \$2,000.
(ccc) 456.072(mm), F.S.: Failure to comply with controlled substances prescribing requirements of s. 456.44.	The Board shall impose a penalty of reprimand up to suspension, require continuing education, and a fine of \$250.	The Board shall impose a penalty of reprimand up to suspension, require continuing education, and a fine of \$500 to \$2,000.
(ddd) 456.072(nn), F.S.: Violating any of the provisions of s. 790.338.	The Board shall impose a penalty of reprimand and a fine of \$250.	The Board shall impose a penalty of reprimand up to suspension, require continuing education, and a fine of \$1,000.

Rulemaking Authority 456.039(3), 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History—New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04, 6-14-06, 10-10-06, 11-25-07, 12-25-11__.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 25, 2016

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-3.009
RULE TITLE: Standards for Continuing Education Courses.

PURPOSE AND EFFECT: To make the rule consistent with new national standards from the American Registry of Radiologic Technologists (ARRT) for radiologic technology continuing education courses; update language addressing current radiologic technology practice areas and Forms DH 406, "Continuing Education Roster" and DH 374, "CE Provider Information Sheet."

SUMMARY: Revise rule and Forms DH 406, "Continuing Education Roster" and DH 374, "CE Provider Information Sheet," for greater clarity and for consistency with recently-revised national CE standards and other changes in radiologic technology equipment and practice.

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: Based on the analysis the Department performed in preparing the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s. 120.541(2)(a), F.S. Therefore, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in §120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 468.303, 468.309(1) FS.

LAW IMPLEMENTED: 468.303, 468.309(1) 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: Brenda Andrews, 4052 Bald Cypress

Way, Bin C21, Tallahassee, FL 32399-1741; (850)245-4266; brenda.andrews@flhealth.gov.

FULL TEXT OF THE PROPOSED RULE:

64E-3.009 Standards for Continuing Education Courses.

(1) Each continuing education program provider shall have a stated, long-term, coordinated plan for providing continuing education courses based on data related to specific characteristics of the learner population, including the needs of course attendees and methods of assessing these needs. The provider shall also:

(a) Analyze course evaluation data and use the conclusions in program planning, design and continuity;

(b) Implement a tangible plan for maintaining the security of the course post-test questions; controlling and verifying course attendance; and ongoing evaluation of the program content, instructors, learning process and evaluation tools;

(c) Document that the course is current and accurate by references or bibliography; and

(d) Establish and maintain written policies and procedures consistent with this rule, to implement the continuing education program.

(2)(4) The learning objectives of each continuing education course shall describe expected attendee learner outcomes in behavioral terms; be able to be evaluated; be attainable; and be relevant to current radiologic technology practice.

(3) The learning experiences and teaching methods must be appropriate to achieve the learning objectives.

(4) The time allotted for each activity must be sufficient for the course attendees to meet the learning objectives.

(5) The principles of adult education must be used in determining teaching strategies and learning activities.

(6) The course attendees must be given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the continuing education course.

(7)(2) The content of each continuing education course shall be planned in logical order and reflect input from qualified persons in the subject matter. A target audience for each continuing education course shall be identified. The criteria for successful course completion shall be determined by the program provider and made available to attendees prior to the course. The appropriate subject matter for each continuing education courses shall reflect the professional educational needs of for the technologist learner to meet the health care needs of the patient consumer, and shall consist of content from one or more of the following:

(a) Radiologic technology practice areas, such as:

1. Digital Radiography;
2. Operation of diagnostic and therapeutic equipment;
3. Radiographic positioning;
4. Image Film processing;

5. Shielding and collimation;

6. Computed tomography (CT);

7. Radiation therapy, including but not limited to, linear accelerators, high-dose rate afterloaders and gamma knife units;

8. Radiographic screens;

9. Bone densitometry Phototiming;

10. Portable or mobile radiography;

11. Contrast media studies;

12. Implant therapy;

13. Ultrasound;

14. Magnetic resonance imaging;

15. Angiography;

16. No change.

17. Nuclear medicine, including but not limited to, Positron Emission Tomography/Computed Tomography (PET/CT), and Single Photon Emission Computed Tomography (SPECT);

18. Radiation oncology;

19. Mammography;

20. Radiologic technology education;

21. Chapter 468, Part IV, F.S.;

22. Chapter 64E-3, F.A.C.;

23. Chapter 404, F.S.;

24. Chapter 64E-5, F.A.C.;

(b) through (d) No change.

(3) Learning experiences and teaching methods must be appropriate to achieve the objectives.

(4) Time allotted for each activity must be sufficient for the learner to meet the objectives.

(5) Principles of adult education must be used in determining teaching strategies and learning activities.

(6) Participants must be given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the course.

(8)(7) All continuing education courses shall be at least 30 50 minutes in length. A 30-50 minute course approved by the Department will be awarded one-half (.5) contact hour of continuing education credit. An additional one-quarter half (.25) contact hour of continuing education credit will be awarded for each additional 15 25 minutes of course length. Time utilized to complete the course post test shall not be considered part of the learning activity and shall not be awarded credit.

(9) All self-study courses must include a post-test to assess the attendee's understanding of the course material and attainment of course objectives. The provider must grade the post-test, and a course participant must receive a score of at least 75% on the post-test to successfully complete a course. A minimum of 4 post-test questions is required for a course awarded one-half (.5) hour of continuing education credit. An

additional 2 post-test questions are required for each additional one-quarter (.25) hour of continuing education credit. Time utilized to complete the course post-test shall not be considered part of the learning activity and shall not be awarded credit.

(10) The provider must designate a person to be a moderator at each live lecture course. The moderator will secure and control the distribution of the mechanisms (sign-in sheets, rosters, etc.) used to verify the identify of each course attendee, so that the mechanisms contain the names of only those persons who fully attended and successfully completed the course.

(8) Programs shall have a stated, long-term, coordinated plan for providing continuing education courses based on data related to specific characteristics of its learner population, including learner needs and methods of assessing these needs. There shall be a tangible plan for ongoing evaluation of the program content, faculty, learning process and evaluation tools. Evaluation data will be analyzed and the conclusions used in program planning, design, and continuity.

(11)(9) A program provider seeking approval of a continuing education course shall:

(a) At least 30 days prior to the date the course begins, mMake application on Form DH 374, (02/16) 40/07, "CE Provider Information Sheet," which is provided by the department and incorporated herein by reference and available from the Department at [www.http://flhealth.gov/radiation](http://flhealth.gov/radiation) and at <http://www.flrules.org/Gateway/reference.asp?No=Ref-####>, at least 30 days prior to the date the course begins and provide a detailed course outline and a description of course objectives. The provider will identify the format of the course as either live lecture or some type of self study. If the course is self study, the provider will also submit a copy of the self-study course material and post test for review. This form shall identify the format of the course as either live lecture or some type of self-study.

1. If the course is a live lecture, the provider shall submit course objectives and an outline for review to the Department as an attachment to Form DH 374 (02/16).

2. If the course is self-study, the provider shall submit a copy of the self-study course material and post-test for review to the Department.

(b) Notify the department of any changes of the contact persons.

(c) Determine criteria for successful completion of the course and make this information available to participants before the course.

(b)(d) No change.

(e) Designate a person responsible for continuing education courses for radiologic technologists.

(f) Identify a target audience for each course.

(g) Document the course is current and accurate by references or bibliography.

(h) Establish written policies and procedures to implement the continuing education program.

(i) Maintain records of individual course information for 3 years.

(j) Send to the department a roster of participants no later than 30 days following each course on Form DH 406, 07/06 "Continuing Education Roster", provided by the department and incorporated herein by reference. Providers shall maintain security of attendance records.

(12) The Department shall approve a course meeting the requirements of this rule for a period of up to 36 months.

(13)(k) The provider shall fFurnish each successful course attendee participant with a written certificate of course completion, to which shall include the following, all but the last of which must be printed on the certificate and not handwritten:

(a)4. No change.

2. Signature and name of provider;

(b)3. Approved Florida Department of Health, Bureau of Radiation Control (FLDOH-BRC) provider number and provider name;

(c) Approved FLDOH-BRC course number in the format "FLDOH-BRC XXXXXXXXX," where "XXXXXXX" is the 8-digit course number assigned by the Department;

(d)4. No change.

(e)5. No change.

(f) Approved category of the continuing education course, which is either "00-Technical" or "05-Personal Development";

(g) Expiration date of the continuing education course;

(h)6. Name of course attendee participant; and

(i)7. Signature of the instructor or provider. Approved Florida course number.

(10) Approval of a course can be granted for up to 36 months.

(11) All self study courses must include a post test to assess the participant's understanding of the course material and attainment of course objectives. The course provider must grade the post test and a participant must receive a score of at least 75 percent on the post test to successfully complete a course. A minimum of 20 post test questions is required for a course awarded one contact hour of continuing education credit. An additional five post test questions are required for each additional half contact hour of continuing education credit.

(14) No later than 30 days after each course presentation date, the provider shall submit to the Department a copy of the Department-approved Form DH 374 (02/16) for the course, as well as a completed Form DH 406 (02/16), "Continuing

Education Roster,” incorporated by reference, a proof of which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-####> (PROOF IS NOT TO BE SUBMITTED AS AN OFFICIAL DOCUMENT as it is not machine-readable and, therefore, is for reference and viewing only); blank, machine-readable versions of this form must be obtained from the Department of Health as follows:

(a) By written request to the Department of Health, Bureau of Radiation Control, Attention: CE Coordinator, 4052 Bald Cypress Way, Bin C-21, Tallahassee, Florida 32399-1741;

(b) By facsimile transmission to “CE Coordinator” at 850-487-0435; or

(c) By pickup from the Department of Health, Bureau of Radiation Control, Attention: CE Coordinator, 4042 Bald Cypress Way, 2nd Floor – Room 220C, Tallahassee, Florida 32399-1741.

(15) The provider must notify the Department in writing within 60 days of any changes in information submitted to the Department on Form DH 374 (02/16) or Form DH 406 (02/16) or any attachments thereto.

(16) For 3 years after the course presentation date, the provider shall maintain copies of approved Form DH 374 (02/16), the submitted Form DH 406 (02/16), and records of attendance verification.

Rulemaking Specific Authority 468.303, 468.309(1) FS. Law Implemented ~~468.303~~, 468.309(1) FS. History—New 4-10-85, Formerly 10D-74.52, Amended 9-17-92, 5-7-96, 12-12-96, Formerly 10D-74.052, Amended 3-4-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Cynthia Becker, Bureau Chief, Bureau of Radiation Control

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH, Interim State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 14, 2016

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-14.001	Purpose and Intent, Designation as Restricted Species
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.0036	Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy,

Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption

68B-14.0039 Recreational Grouper Seasons

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

PURPOSE AND EFFECT: The purpose of these rule amendments is to address state rules for reef fish species that are not federally managed. In 2011, both the Gulf and South Atlantic Fishery Management Councils were required to establish annual catch limits (ACLs) for all federally-managed species. During this process, both Councils removed from federal management several reef fish species that had very low landings, a majority of landings from state waters, or not enough information to set reliable ACLs. Once these species were removed from federal management, all regulations, such as bag limits, size limits, and commercial permit requirements no longer applied to harvest of these species in federal waters. In 2015, the South Atlantic Fishery Management Council removed four more species from federal management: black snapper, dog snapper, mahogany snapper, and schoolmaster snapper. These species all have very low landings, and the Council felt Florida could effectively manage these species because they occur off south Florida. As such, FWC sent a letter of support to the Council stating the FWC’s intent to assume management of these species in federal waters. Removal of federal rules for these species is now pending approval by the U.S. Secretary of Commerce. These amendments would apply state rules (such as size limits, bag limits, and state permit requirements) in adjacent federal waters for reef fish species that are not managed in adjacent federal waters. One exception to this is tiger grouper, which is a deepwater species that is rarely landed and was removed from federal management in 2011. These rule amendments remove tiger grouper from state management because this species is not targeted or frequently encountered by fishermen. Currently, state rules require commercial harvesters to meet certain federal requirements to harvest reef fish species in state waters, and some of those species have been removed from federal management or were never managed in federal waters. These rule amendments remove the requirement for commercial harvesters to have a federal permit to harvest species that are not federally managed. They also remove the requirement for commercial harvesters to have a federal Gulf IFQ vessel account to harvest species that are no longer federally managed.

Finally, many of the species that have been removed from federal management are included in the state snapper or grouper recreational aggregate bag limits, so these aggregate bag limits would be extended into adjacent federal waters as part of this amendment. One exception to this would be red

snapper. Red snapper is included in the state snapper aggregate but not the Atlantic or Gulf federal aggregates, so the Commission proposes clarifying that red snapper would only be included in the snapper aggregate when harvested from state waters.

The effect of these rule amendments is to: increase enforceability of state rules; have regulations that are consistent across coasts and state and federal boundaries for reef fish species that have been removed from federal management; and remove tiger grouper from state management.

SUMMARY: 1) Remove federal commercial requirements from state rule for species that are not managed in adjacent federal waters. This would:

a. Remove the federal South Atlantic snapper-grouper permit requirement for Atlantic commercial harvest of wenchman, black snapper, dog snapper, mahogany snapper, and schoolmaster;

b. Remove the federal Gulf reef fish permit requirement for Gulf commercial harvest of misty grouper, rock hind, red hind, coney, graysby, black snapper, dog snapper, mahogany snapper, and schoolmaster;

c. Remove the federal Gulf IFQ vessel account requirement for commercial harvest of Gulf red hind, rock hind, misty grouper, blackline tilefish, and anchor tilefish.

2) In the absence of federal rules, apply state rules in adjacent federal waters for reef fish species. This would essentially:

a. Extend statewide regulations into federal waters for black snapper, dog snapper, mahogany snapper, and schoolmaster;

b. Extend Gulf state regulations into adjacent federal waters for misty grouper, red hind, rock hind, coney, and graysby;

c. Extend Atlantic state regulations into adjacent federal waters for wenchman.

3) Extend recreational snapper and grouper aggregate bag limits into adjacent federal waters (except in the case of red snapper).

4) Remove tiger grouper from state management.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

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

DATE AND TIME: During the Commission's regular meeting June 22-23, 2016, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Franklin County School – Gymnasium, 1250 Highway 98, Eastpoint, FL 32328

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 IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.001 Purpose and Intent, Designation as Restricted Species.

(1) Purpose and intent.

(a) through (b) No change.

(c) The regulations in this chapter apply in all state waters and, in the absence of any regulations for the following species in federal waters, apply in adjacent federal EEZ waters.

(a) Grouper.

1. Coney.

2. Graysby.

3. Misty grouper.

4. Red hind.

5. Rock hind.

(b) Snapper.

1. Black snapper.

2. Dog snapper.

3. Mahogany snapper.

4. Schoolmaster.

5. Wenchman.

(2) Designation as restricted species. The following species are hereby designated as restricted species pursuant to Section 379.101(32), F.S.:

(a) No change.

(b) Groupers and Sea Basses – Family Serranidae:

1. through 14. No change.

~~15. Tiger grouper – *Mycteroperca tigris*.~~

16. through 18. renumbered 15. through 18. No change.

(c) through (g) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-31-94, 12-31-98, Formerly 46-14.001, Amended 1-1-00, 1-1-03, 7-1-07, 7-1-16.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper. No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

(1) through (6) No change.

(7) Snapper (measured in terms of total length).

(a) through (b) No change.

(c) Dog snapper 12 inches within or without Florida waters.

(d) through (e) No change.

(f) Mahogany snapper 12 inches within or without Florida waters.

(g) through (k) No change.

(l) Schoolmaster ~~snapper~~ 10 inches within or without Florida waters.

(m) through (o) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 3-23-12, 6-10-13, 7-9-15, 1-4-16, 7-1-16.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

(1) Snapper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest within or without Florida ~~in or from state~~ waters, nor possess within or without Florida ~~while in or on state~~ waters, more than a total of 10 snapper per day, in any combination of species.

(b) No change.

(c) Red snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state

waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 2 red snapper per day, nor shall a recreational harvester harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, more than 2 red snapper per day. On any vessel licensed to carry customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish in the Gulf of Mexico, the applicable bag and possession limit specified in this rule shall not extend to the operator of such vessel or any person employed as a crewman of such vessel. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a) only if harvested in or from state waters.

(d) through (f) No change.

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest within or without Florida ~~in or from state~~ waters, nor possess within or without Florida ~~while in or on state~~ waters, more than a total of 4 grouper per day in the Gulf of Mexico excluding waters of Monroe County in any combination of species, or more than a total of 3 grouper per day in the Atlantic Ocean and all waters of Monroe County, in any combination of species.

(b) through (g) No change.

(3) through (10) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 10-16-09, 1-19-10, 12-30-11, 7-1-12, 6-10-13(4), 6-10-13(8), 3-13-14, 5-7-15, 7-1-16

68B-14.0039 Recreational Grouper Seasons.

(1) No change.

(2) In all state waters of the Atlantic Ocean, including all waters of Monroe County, the closed season for the recreational harvest and possession of gag grouper, black grouper, red grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, scamp, coney, and graysby, ~~and tiger grouper~~ shall be from January 1 through April 30 each year.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-6-09, Amended 8-27-09, 1-19-10, 6-17-11, 3-23-12, 5-9-13, 10-31-13, 7-1-16.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

(1) Licenses.

(a) Each person harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes in

state waters shall possess a valid saltwater products license with a restricted species endorsement and:

1. through 2. No change.

3. For a person aboard a vessel, for which a commercial vessel permit for Gulf reef fish has been issued, to fish for, possess, or land red snapper, red grouper, gag grouper, black grouper, scamp, yellowfin grouper, ~~red hind, rock hind,~~ yellowmouth grouper, yellowedge grouper, snowy grouper, ~~misty grouper,~~ goldface tilefish, ~~blackline tilefish, anchor tilefish,~~ blueline tilefish, and golden tilefish regardless where harvested or possessed, a Gulf IFQ vessel account, as defined in 50 C.F.R. § 622.4(a)(2)(ix), for the applicable species must be established as defined in 50 C.F.R. § 622.16(c)(1)(i) or 622.20(c)(1)(i) issued to and possessed aboard the vessel.

4. No change.

(b) The requirement of a valid transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper in subsection (1) shall not apply to the harvest of black snapper, dog snapper, mahogany snapper, schoolmaster, or wenchman for commercial purposes in the Atlantic Ocean.

(c)(b) The requirement of a valid commercial vessel permit for Gulf reef fish in subsection (1) shall not apply to the harvest of bank sea bass, black sea bass, coney, graysby, ~~misty grouper, red hind, rock hind,~~ rock sea bass, black snapper, dog snapper, mahogany snapper, schoolmaster, or red porgy for commercial purposes in the Gulf of Mexico.

(c) through (d) renumbered (d) through (e) No change.

(2) Season Closures.

(a) through (c) No change.

(d) During the months of January, February, March, and April each year, the harvest, possession, or landing for commercial purposes, and the purchase, sale, or exchange, of gag grouper, black grouper, red grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, scamp, coney, and graysby, ~~and tiger grouper~~ harvested from state waters of the Atlantic Ocean and from all state waters of Monroe County, is prohibited.

(e) through (g) No change.

(3) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, 3-10-06, 7-1-07, 4-1-08, 8-27-09, 1-19-10, 1-12-11, 6-10-13, 10-16-14, 7-1-16.

PROPOSED EFFECTIVE DATE: July 1, 2016

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES

ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850) 487-0554.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2016

Section III Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.002: Medicaid Provider Reimbursement Schedules

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 8, January 13, 2016 issue of the Florida Administrative Register.

The following changes have been made to the January 1, 2016 Practitioner Fee Schedule, which is incorporated by reference into the rule:

The PCI and TCI rates for procedure code 37234 now read: 167.76, 638.93

The following changes have been made to the January 1, 2016 Radiology Fee Schedule:

The FSI, PCI, and TCI rates for procedure code 77055 now read: 63.17, 16.43, 46.74

The FSI, PCI, and TCI rates for procedure code 77056 now read: 80.08, 20.46, 59.63

The FSI, PCI, and TCI rates for procedure code 77057 now read: 65.75, 16.43, 49.31

Section IV Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 05, 2016, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Navy Federal Credit Union at 4810 W Nine Mile Road, Pensacola, FL. Petitioner seeks an emergency temporary variance of the requirements of ASME A17.1, Section 2.27.2.3, 2009 edition, as adopted by subsection 61C-5.001(1), F.A.C., that requires an illuminated signal marked "Elevator Emergency Power" to be provided in the elevator lobby to indicate normal power supply has failed and emergency power is in effect, because control wires have not yet been installed. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2016-113).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. chr.elevators@myfloridalicense.com

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Florida Forest Service

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

DATE AND TIME: June 9, 2016, 1:00 p.m.

PLACE: Doyle Conner Building, Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting items of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: Stefis Demetropoulos, 3535 NE 39th Avenue, Gainesville, Florida 32609 (352)395-4923, Stefis.Demetropoulos@freshfromflorida.com

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

The Board of Directors of Living Healthy in Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: May 19, 2016, 8:30 a.m.

PLACE: 1707 Orlando Central Pkwy., Ste. 150, Orlando, FL 32809-5765 or via Conference Call at 1(888)670-3525, Participant Code 1941468940#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business and strategic planning

A copy of the agenda may be obtained by contacting: Brittany Owens at Brittany.Owens@FreshFromFlorida.com or (850)617-7400.

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 24 hours before the workshop/meeting by contacting: Brittany Owens at Brittany.Owens@FreshFromFlorida.com or (850)617-7400. 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: Brittany Owens at Brittany.Owens@FreshFromFlorida.com or (850)617-7400.

DEPARTMENT OF EDUCATION

University of West Florida

The University of West Florida, Florida Public Archaeology Network announces a public meeting to which all persons are invited.

DATE AND TIME: May 20, 2016, 8 a.m. until Noon

PLACE: Wyndham Grand Hotel, 122 Soundings Ave., Jupiter, FL 33477, Ballroom A

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Board of Directors meeting to review past year's objectives and to plan for 2016-17 goals.

A copy of the agenda may be obtained by contacting: Cheryl Phelps, FPAN Office Administrator; email cphelps@uwf.edu; or phone (850)595-0050.

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: UWF Office of Human Resources, (850) 474-2694 voice or (850)857-6114 (TTY). 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: Cheryl Phelps, FPAN Office Administrator; email cphelps@uwf.edu; or phone (850)595-0050.

DEPARTMENT OF CITRUS

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

DATE AND TIME: May 18, 2016, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Commission will convene for the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, issues pertaining to Chapter 601, F.S., rulemaking; and any other matter addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Heather Facey, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831 or hfacey@citrus.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: Dianne Screws at dscrews@citrus.myflorida.com or (863)537-3984. 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.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

DATE AND TIME: May 26, 2016 at 10:00 a.m.

PLACE: Foley Cellulose LLC, One Buckeye Drive, Perry, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida (District 3) Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Dwayne Mundy, Public Safety and Regulatory Compliance Program Director, North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, FL 32653.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955.2200. 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

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

DATE AND TIME: May 26, 2016, 1:00 p.m.

PLACE: Foley Cellulose LLC, One Buckeye Drive, Perry, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Hazardous Materials Response Team Policy Board.

A copy of the agenda may be obtained by contacting: Dwayne Mundy, Public Safety and Regulatory Compliance Program Director, North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, FL 32653.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955.2200. 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.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

DATE AND TIME: May 18, 2016, 12:30 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 NW 67th Place, Gainesville, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955.2200. 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.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

DATE AND TIME: May 18, 2016, 1:00 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 NW 67th Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Finance Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955.2200. 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 ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIMES: May 10, 2016; August 9, 2016; November 8, 2016; 12:00 noon - 1:00 p.m.

PLACE: Renaissance Senior Center, 3800 S Econlockhatchee Trail, Orlando, FL 32829

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central Council Business

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399; telephone: (850)414-2323, or email: LTCOPInformer@elderaffairs.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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 ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: June 30, 2016, 3:00 - 4:30 p.m.

PLACE: Conference Call: Dial in: (888)670-3525; Participant Passcode: 780-930-7873

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Council Business

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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

RULE NO.: RULE TITLE:

60A-1.002 Purchase of Commodities or Contractual Services

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

DATE AND TIME: May 16, 2016, 8:00 A.M.

PLACE: 4050 Esplanade Way, Conference room 101, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting for negotiators to discuss best and final offers for Invitation to Negotiate No. DMS-15/16-005, Insured Health Maintenance Organization Benefits and Self-Insured Health Plan Services and to discuss a recommendation for award.

This meeting is subject to cancellation or postponement. Further information and future updates regarding this meeting schedule or any future meetings will be available via the system of record, the Vendor Bid System (VBS), located at

http://www.myflorida.com/apps/vbs/vbs_www.search_r2.criteria_form by searching for DMS 15/16-005.

A copy of the agenda may be obtained by contacting: Maureen Livings, Procurement Officer at dms.purchasing@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: The Department's Americans with Disabilities Act (ADA) Coordinator, Doug Dickinson at (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).

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 9, 2016, 10 a.m. ET.

PLACE: Call 1 (888)670-3525 and when prompted, enter passcode 1760507820, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision.

A copy of the agenda may be obtained by contacting: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com

ACCESS POINT: The FCHR office at 4075 Esplanade Way, Room 110, Tallahassee, FL 32399, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

For more information, you may contact: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "THE COMMISSION", announces a public meeting to which all persons are invited.

DATE AND TIME: May 16, 2016, 10:00 a.m.

PLACE: Meetings to be conducted using communications media technology, specifically teleconference and webinar. To access the webinar go to: Please join my meeting <https://global.gotomeeting.com/join/521871333>

Use your microphone and speakers (VoIP) - a headset is recommended. Or, call in using your telephone.

United States (toll-free): 1 (866)899 4679, Access Code: 521-871-333, Audio PIN: Shown after joining the meeting

Meeting ID: 521-871-333, Public point of access: 1940 North Monroe Street, Room 90, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Commission to discuss and approve a funding proposal from BASF to have some research conducted pertaining to construction workforce training for approximately \$9,000.

A copy of the agenda may be obtained by contacting: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824 or by accessing the Commission website:

<https://floridabuilding.org/c/default.aspx>.

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: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. 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: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436, or access information on the Commission's website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF HEALTH

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

DATE AND TIME: May 11, 2016, 1:00 p.m.

PLACE: Rosen Shingle Creek, 9939 Universal Blvd., Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Inform and solicit feedback from state recognized healthcare coalition representatives for activities, strategies and data related to Budget Period 4, FY 15-16 supporting the continued development of coalitions.

A copy of the agenda may be obtained by contacting: Jeanine Posey, (850)245-4040

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

agency at least 2 days before the workshop/meeting by contacting: Jeanine Posey, (850)245-4040. 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: Jeanine Posey, (850)245-404

DEPARTMENT OF HEALTH

Board of Acupuncture

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

DATE AND TIME: June 10, 2016, approximately 9:00 a.m., ET

PLACE: Meet Me Number (888) 670-3525; Participant Passcode: 6656186923

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

A copy of the agenda may be obtained by contacting: Alexandra Alday at Alexandra.Alday@flhealth.gov or on the Board web site at www.floridasacupuncture.gov/meeting-information.

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: Alexandra Alday at Alexandra.Alday@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.

DEPARTMENT OF HEALTH

Board of Massage Therapy

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

DATE AND TIME: June 8, 2016, approximately 8:30 a.m., ET

PLACE: Meet Me Number (888)670-3525; Participant Passcode: 2597709961

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting notice replaces Notice ID: 17177553

General business of the board. Meetings may be cancelled prior to the meeting date. Please check the Board web site at

www.floridasmassagetherapy.gov for cancellations or changes to meeting dates or times.

A copy of the agenda may be obtained by contacting: Alexandra Alday at Alexandra.Alday@flhealth.gov or on the Board web site at www.floridasmassagetherapy.gov/meeting-information

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: Alexandra Alday at Alexandra.Alday@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.

DEPARTMENT OF HEALTH

Board of Massage Therapy

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

DATE AND TIME: September 14, 2016, at approximately 8:30 a.m., ET

PLACE: Meet Me Number (888) 670-3525; Participant Passcode: 2597709961

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice replaces Notice ID: 17177650.

General business of the board. Meetings may be cancelled prior to the meeting date. Please check the Board web site at www.floridasmassagetherapy.gov for cancellations or changes to meeting dates or times.

A copy of the agenda may be obtained by contacting: Alexandra Alday at Alexandra.Alday@flhealth.gov or on the Board web site at www.floridasmassagetherapy.gov/meeting-information

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: Alexandra Alday at Alexandra.Alday@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.

DEPARTMENT OF HEALTH

Board of Massage Therapy

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

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

PLACE: Meet Me Number (888)670-3525; Participant Passcode: 2597709961

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice replaces Notice ID: 17177747

General business of the board. Meetings may be cancelled prior to the meeting date. Please check the Board web site at www.floridasmassagetherapy.gov for cancellations or changes to meeting dates or times.

A copy of the agenda may be obtained by contacting: Alexandra Alday at Alexandra.Alday@flhealth.gov or on the Board web site at www.floridasmassagetherapy.gov/meeting-information

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: Alexandra Alday at Alexandra.Alday@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.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Probable Cause Panel of the Board of Massage Therapy announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 7, 2016, approximately 3:00 p.m., ET

PLACE: Meet Me Number (888)670-3525; Participant Passcode: 2597709961

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice replaces Notice ID: 17178038

To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Alexandra Alday at Alexandra.Alday@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: Alexandra Alday at Alexandra.Alday@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.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Probable Cause Panel of the Board of Massage Therapy announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 1, 2016, approximately 3:00 p.m., ET

PLACE: Meet Me Number (888)670-3525; Participant Passcode: 2597709961

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting notice replaces Notice ID: 17178135.

To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Alexandra Alday at Alexandra.Alday@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: Alexandra Alday at Alexandra.Alday@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.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Probable Cause Panel of the Board of Massage Therapy announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 10, 2016, approximately 3:00 p.m., ET

PLACE: Meet Me Number (888)670-3525; Participant Passcode: 2597709961

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice replaces Notice ID: 17178232.

To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Alexandra Alday at Alexandra.Alday@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: Alexandra Alday at

Alexandra.Alday@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.

MID-FLORIDA AREA AGENCY ON AGING

The Mid Florida Area Agency on Aging dba Elder Options announces a public meeting to which all persons are invited.

DATE AND TIME: June 1, 2016, 10:00 a.m.

PLACE: 100 SW 75th Street, Gainesville, FL 32607

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Scheduled meeting of the Elder Options Board of Directors.

The Board will take action on matters to be determined by the members of the Board, which may include matters such as the Executive Director's Report.

A copy of the agenda may be obtained by contacting: Kathy Dorminey (352)692-5214

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: (352)692-5214. 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: Kathy Dorminey (352)692-5214

FLORIDA INDEPENDENT LIVING COUNCIL

The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, May 17, 2016, 2:00 P.M. until conclusion of agenda

MEETING: SPIL Writing Committee

PLACE: CALL IN: 1(888)670-3525 CODE: 5073148497, FILC Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Jenny Bopp at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303 (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Patrick Delio, In Re: Sun Lake Professional Center Owner's Association Inc., Docket No. 2016020630, filed on April 25, 2016. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Is the association required to follow Chapter 718, Florida Statutes?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Tonia Blount, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217; (850)717-1476; Tonia.Blount@myfloridalicense.com.

Please refer all comments to: Ryan N. Lumbreras, Senior Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or

requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that The Office of Financial Regulation has issued an order disposing of the petition for declaratory statement filed by Affinity Partnerships, LLC. on February 08, 2016. The following is a summary of the agency's disposition of the petition:

The petition sought a declaratory statement from the Office on whether Petitioner's proposed business activities (of operating as an independent lead generation platform for mortgage lending companies [through a call center, advertisement and/or website as noted in the Petition]) fall within Florida's Mortgage Brokerage and Lending Act, Chapter 494, Florida Statutes. On May 6, 2016 the Office issued a Final Order disposing of the Petition. Based on the facts as provided in the Petition, neither Petitioner nor its employees are required to obtain licensure under Chapter 494, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643, Agency.Clerk@flofr.com, or online at <https://real.flofr.com/ConsumerServices/SearchLegalDocuments/LDSearch.aspx>

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: RULE TITLE:

69W-600.013: Prohibited Business Practices for Dealers and Their Associated Persons

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from Synovus Securities, Inc. on May 4, 2016. The petition seeks the agency's opinion as to the applicability of 69W-600.013(2)(f) (2014), FAC, FINRA Rule 2040(a) and FINRA Rule 2040(a) as it applies to the petitioner.

The Petition seeks a declaratory statement from the Office regarding the ability to share commissions in accordance with FINRA Rule 2040(b) and is requesting an exemption from Florida's prohibition under paragraph 69W-600.013(2)(f), FAC. consistent with the FINRA exception Rule 2040(b).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643, Agency.Clerk@flofr.com

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643, Agency.Clerk@flofr.com by May 27, 2016.

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

DISTRICT BOARD OF TRUSTEES
MIAMI DADE COLLEGE
11011 S.W. 104th STREET
MIAMI, FL 33176-3393

The Invitation to Negotiate (ITN) listed below will be accepted in the PURCHASING DEPARTMENT, Room 9254, by 3:00 p.m. on FRIDAY, JUNE 3, 2016.

Prospective proposers may obtain ITN SOLICITATION by calling (305) 237-2402 or the ITN may be downloaded from the College's website at www.mdc.edu/purchasing.

ITN NUMBER
2016-21-29

ITN TITLE
Group Dental

Plans

Pre-Proposal Meeting

May 19, 2016 at 9:30am

MDC Kendall Campus

Bldg R; Room R404

11011 SW 104 Street

Miami, FL 33176

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. A copy of the agenda may be obtained by writing to: Miami Dade College, Office of the Purchasing Director, 11011 S.W. 104 Street, Miami, FL 33176 or by calling (305) 237-2402.

If you should have any questions, please contact:

Roman Martinez, MPA, CPPO, CPPB

Group Director - Purchasing

Phone: (305)237-0012

Fax: (305)237-0737

Email: Rmartin9@mdc.edu

OTHER AGENCIES AND ORGANIZATIONS

Brasfield & Gorrie, LLC

UF O'CONNELL CENTER - CONCRETE PAVING SCOPE
BID ADVERTISEMENT

Brasfield & Gorrie, LLC will now be taking sealed bid proposals for the CONCRETE PAVING SCOPE on the UF Stephen C. O'Connell Center Expansion and Renovation project in Gainesville, FL. **Sealed Bids** are due by no later than June 1, 2016. Sealed bids must either be hand delivered or mailed to the following address:

Brasfield & Gorrie, LLC

c/o Adam Cowan, 941 West Morse Blvd. Suite 200, Winter Park, FL 32789

For any questions, please contact: Steven Nickels,
snickels@brasfieldgorrie.com (407)562-4661

Section XII
Miscellaneous

NONE

Section XIII

Index to Rules Filed During Preceeding
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.
