

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-189.003 Workers' Compensation: Application and Audit Procedures

PURPOSE AND EFFECT: The rule is amended to reference section 92.525, FS, for sworn statements and remove notarization requirements in portions of the rule.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation Insurance, Application and Audit Procedures.

RULEMAKING AUTHORITY: 440.381, 624.308(1) FS.

LAW IMPLEMENTED: 440.105(4)(b)5., 440.381, 624.307, 624.424(1)(c) 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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flor.com, (850)413-4112.

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

Section II Proposed Rules

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:
12-25.031 Definitions
12-25.033 Eligibility and Qualifications
12-25.035 Responsibility for Program Training, Certification Procedures, and Program Availability

12-25.037 Applying for Participation in the Program
12-25.047 Development of Agreed Upon Procedures
12-25.048 Submission of the Certified Audit Report

PURPOSE AND EFFECT: The purpose of these amendments is to update rules related to certified audits for consistency with administrative procedures, current statutory requirements for incorporation of materials, and to remove obsolete references. The effect of the amendments is to ensure rules are consistent

with current law and procedures, and to remove unnecessary or obsolete provisions.

SUMMARY: The proposed amendments to Rule 12-25.031, F.A.C., make administrative changes to two definitions. The proposed amendments to Rule 12-25.033, F.A.C., remove obsolete provisions and incorporate a referenced material in accordance with statutory requirements. The proposed amendments to Rule 12-25.035, F.A.C., remove obsolete provisions and update the rule with current procedures. The proposed amendments to Rule 12-25.037, F.A.C., incorporate a referenced material in accordance with statutory requirements and remove an unclear provision. The proposed amendments to Rule 12-25.047, F.A.C., remove an unnecessary provision, incorporate a referenced material in accordance with statutory requirements, and provide a cross-reference for an incorporated form. The proposed amendments to Rule 12-25.048, F.A.C., remove an unnecessary provision.

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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under subsection 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in paragraph 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: 213.06(1), 213.285(7), FS.

LAW IMPLEMENTED: 213.285, 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: February 27, 2019; 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1221, Tallahassee, Florida

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

participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Danielle Boudreaux at (850)717-7082.. 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: Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)617-8346.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-25.031 Definitions.

The following definitions shall apply to this Part:

(1) "Board" means the State of Florida Board of Accountancy, ~~as provided in Chapter 473, F.S.~~

(2) "Certified Public Accountant" shall have the same meaning as the term is defined in ~~Section Chapter 473.302(4), F.S.~~

(3) through (11) No change.

Rulemaking Authority 213.06(1), 213.285(7) FS. Law Implemented 213.285 FS. History—New 8-23-99, Amended _____.

12-25.033 Eligibility and Qualifications.

(1)(a) No change.

(b) Any practitioner employed by the qualified audit firm who performs audit analysis, makes auditing decisions on source documents, taxpayer data or sales transactions, or who performs agreed-upon procedures, except for the gathering of information for the planning work discussed in subparagraphs 12-25.047(1)(b)1., 2., 4., 5., 6. and 7., F.A.C., scheduling, or reconciling, must successfully complete a training course approved by the Department prior to their initial performance of the subject activities. ~~The Department will approve the training, including instructional curriculum and materials, and testing, administered and delivered by the contract provider, if the provider meets all the conditions contained in pages 20 through 23 of the contract required to be established by both parties pursuant to Section 213.285(1), F.S., and Section 4 of Chapter 98-95, Laws of Florida. This contract is adopted and incorporated by reference. However, the Department shall grant a waiver of this requirement for a specific certified audit in circumstances where a practitioner working on the subject audit can not complete his or her work due to a documented medical reason, a documented family emergency, or the practitioner has left the employment of the firm.~~ The training course will, at a minimum, teach the basics of Florida Sales and Use tax law, and will include a required examination. The Department will be the final authority on the content of the training course and

the nature, number, and type of questions on the examination. "Successfully complete" means the participant has met all the requirements for the course and achieved a scaled score of 70 percent. Further, any practitioner performing the subject activities shall be supervised by a qualified practitioner. The subject qualified practitioner will be physically on-site where the activities are performed.

(c) through (e) No change.

(2) To be eligible to provide a certified audit service to a taxpayer, the qualified audit firm must be independent with respect to that taxpayer, pursuant to the guidelines established by Form DR-343000, Certified Audit Program Independence Issues, effective XX/XX (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), ~~Florida Board of Accountancy Advisory Opinions issued on certified audit independence questions, which are hereby~~ adopted and incorporated by reference. The Department will determine if the circumstances and facts of the particular situation are materially the same as situations for which guidelines were previously issued. If the facts and circumstances are unique or if the qualified audit firm believes there are differences between their situation(s) and the situation(s) previously addressed by the Board that were the basis for the Department to deny participation, then the qualified audit firm can request an Advisory Opinion from the Board on the particular situation(s). The Department shall then decide based on the guidelines in the Board's response to that request ~~and based on General Standard No. 2 (Independence), Generally Accepted Auditing Standards, which are adopted and incorporated by reference.~~ If the qualified audit firm does not agree with the Department's decision, it can request a Declaratory Statement from the Board, which determination will be final.

Rulemaking Authority 213.06(1), 213.285(7) FS. Law Implemented 213.285 FS. History—New 8-23-99, Amended _____.

12-25.035 Responsibility for Program Training, Certification Procedures, and Program Availability.

(1) The Department or the Florida Institute of Certified Public Accounts (FICPA) will provide the instructional curriculum and materials for the certified audit program and deliver this curriculum in a training context. If the FICPA is responsible for these services, they will receive the Department's review and approval before distributing materials or performing the training.

~~(1) Subject to the Department's supervision and approval, the Florida Institute of Certified Public Accounts (FICPA) shall:~~

~~(a) Develop the instructional curriculum and materials for the certified audit program;~~

- ~~(b) Deliver this curriculum in a training context;~~
- ~~(c) Test qualified practitioners and practitioners who have participated in such training; and,~~
- ~~(d) Administer the training and testing process.~~

(2) Subject to the Department’s supervision and approval, the FICPA will:

(a) Oversee registration of eligible training participants for the certified audit program; and

(b) Test eligible training participants who have participated in such training.

~~(2) The Department will approve the training, including instructional curriculum and materials, and testing administered and provided by the FICPA, if the FICPA meets all the conditions contained in the contract which must be established by both parties pursuant to Section 213.285(1), F.S., and Section 4 of Chapter 98-95, Laws of Florida.~~

(3) through (4) No change.

(5) Continuing professional education is required for practitioners and qualified practitioners as part of the training required pursuant to the directives in Section 213.285(1)(a), F.S., and Section 4 of Chapter 98-95, L.O.F. These laws require the training to be developed and delivered by the FICPA and approved by the Department pursuant to the contract signed by the Department and the FICPA. The Department shall approve the continuing professional education program if it meets all the criteria established in the contract.

(a) Practitioners must complete a continuing professional education program which will not exceed eight hours every two years.

(b) A qualified practitioner must complete a continuing professional education program which will not exceed sixteen hours every two years.

(6) through (8) No change.

Rulemaking Authority 213.06(1), 213.285(7) FS. Law Implemented 213.285 FS. History–New 8-23-99, Amended.

12-25.037 Applying for Participation in the Program.

(1) The following public use form is employed by the Department of Revenue in its dealings with the public, and is hereby incorporated in this rule by reference. Copies of this form are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Taxpayer Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112; or, 2) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 3) calling the Forms Request Line during regular office hours at (850)488-6800; or, 4) downloading selected forms from the Department’s website at www.floridarevenue.com/forms. Persons with hearing or speech impairments may call the Florida Relay Service at

1(800)955-8770 (Voice) and 1(800)955-8771 (TTY). When a qualified practitioner has a client who agrees to participate in the program, the qualified practitioner must complete a Request to Participate in the Certified Audit program (form DR-342000), which includes a Power of Attorney and Declaration of Representative (form DR-835, incorporated by reference in Rule 12-6.0015, F.A.C.), and submit the Request to Participate, including any required supporting information to the Department.

F orm Num ber	Title	Effe ctive Date
D R- 34200 0	Request to Participate in the Certified Audit Program (N- 8/99) (http://www.flrules.org/Gateway/reference.asp?No=Ref-)	XX/ XX 8/99

(2) No change.

~~(3) As a condition of acceptance in the Certified Audit program, a taxpayer will have to sign a statement declaring that he or she agrees to pay the audit assessment within 60 days of:~~

~~(a) The date the audit has been agreed to; or~~

~~(b) The date the taxpayer’s protest and appeal rights have expired.~~

~~However, if the Certified Audit results in the taxpayer entering into a stipulated payment agreement, interest would accrue from the date to which the stipulated payment agreement is mutually agreed. If payment has not been received within the 60 days stipulated, and a stipulated payment agreement has not been entered into, interest will accrue back to the date of the Notice of Proposed Assessment, and continue to accrue through the date of payment in full.~~

(4) renumbered (3) No change.

~~(4)(5)~~ A qualified practitioner may submit a written request to the Department for a 15-day extension of the 30-day time period discussed in subsection ~~(3)(4)~~ of this rule. The Department will not accept more than two consecutive written requests for a 15-day extension for the same Request To Participate.

(6)(a) renumbered (5)(a) No change.

(b) Denying the Request to Participate, unless the provisions of subsection ~~(3)(4)~~ apply.

(7) through (9) renumbered (6) through (8) No change.

Rulemaking Authority 213.06(1), 213.285(7) FS. Law Implemented 213.285 FS. History–New 8-23-99, Amended.

12-25.047 Development of Agreed Upon Procedures.

~~(1)(a) Certified Audits conducted pursuant to the authority of Section 213.285, F.S., are attestation engagements that are conducted under Statements on Standards for Attestation~~

~~Engagements #4. Agreed Upon Procedures, which are adopted and incorporated by reference.~~

~~(b)~~ Subsequent to the Department’s approval of the Request to Participate, and prior to the qualified practitioner submitting the Audit Plan, the qualified practitioner will perform required planning work. The planning work performed will include:

1. through 5. redesignated (a) through (e) No change.

~~(f)~~ The Form DR-15 Sales and Use Tax Return, incorporated in Rule 12A-1.097, F.A.C., download print-out from the Department’s audit software;

~~(g)~~ Performance of and reporting on steps AP.001 through AP.300 of the Standard Audit Program Form DR-344000, Certified Audit Standard Audit Program, effective XX/XX

(http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), which ~~is~~ are adopted and hereby incorporated by reference.

8. redesignated (h) No change.

a. through g. renumbered 1. through 7. No change.

9. through 10. redesignated (i) through (j) No change.

(2) through (5) No change.

Rulemaking Authority 213.06(1), 213.285(7) FS. Law Implemented 213.285 FS. History–New 8-23-99, Amended _____.

12-25.048 Submission of the Certified Audit Report.

The qualified practitioner will submit the certified audit report and required attachments to the Department for review and approval.

~~(1) The certified audit report must meet all the requirements established by Statements on Standards for Attestation Engagements #4.~~

(2) through (5) renumbered (1) through (4) No change.

Rulemaking Authority 213.06(1), 213.285(7) FS. Law Implemented 213.285 FS. History–New 8-23-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tammy Miller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 24, 2018

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-5.003 Licensure Procedure

PURPOSE AND EFFECT: The Agency is proposing to amend this rule to update the ambulatory surgical center licensure form to align with the online licensure process and allow for the data collection of web addresses required by s.395.301, FS.

SUMMARY: The Agency is proposing to amend this rule to update the ambulatory surgical center licensure application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 395.1055, 408.819 FS

LAW IMPLEMENTED: 395.003, 395.004, 395.0161, 395.1055, 408.806, 408.809, 408.811 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: February 28, 2019, 10:30 a.m. – 12:00 Noon

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

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

contacting: Jessica Munn, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4359. 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 Munn at (850)412-4359 or email at Jessica.Munn@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-5.003 Licensure Procedure.

(1) In addition to the licensure requirements contained in Chapters 395, Part I and 408, Part II, F.S., all centers shall comply with the following:

(2) All persons requesting licensure for the operation of a center under the provisions of Chapter 395, F.S., shall make application to the Agency on Health Care Licensing Application, Ambulatory Surgical Center, AHCA Form 3130-2001, September 2018 July 2014, which is incorporated by reference, and. The form is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10296>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04452> and available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #31, Tallahassee, Florida 32308, or at the web address at: <http://ahca.myflorida.com/HQALicensureforms>. Applicants for renewal and changes during licensure may submit the Health Care Licensing Online Application, Ambulatory Surgical Center, AHCA Form 3130-2001OL, September 2018, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10297>. The application forms are available online at <http://www.ahca.myflorida.com/HQALicensureforms> or, for online submissions, at: <http://apps.ahca.myflorida.com/SingleSignOnPortal>. The center must obtain a standard license prior to the acceptance of patients for care or treatment.

(3) Each center applying for a license shall be designated by a distinctive name, and the name shall not be changed without first notifying the Agency and receiving approval in writing. Duplication of an existing center's name is prohibited.

(4) In addition to the requirements found in Chapter 408, Part II, F.S., the following documents shall accompany the initial application:

(a) Proof of fictitious name registration if applicable;

(b) Articles of Incorporation or similarly titled document registered by the applicant with the Florida Department of State; and,

(c) The center's Zoning Certificate or proof of compliance with zoning requirements.

(5) The following documents shall be available for

inspection at the center by the Agency area office at the initial licensure inspection:

(a) The governing board bylaws, rules and regulations, or other written organizational plan;

(b) Medical staff bylaws, rules and regulations;

(c) Roster of medical staff members;

(d) Nursing procedure manual;

(e) Roster of registered nurses and licensed practical nurses with current license numbers;

(f) The center's fire plan; and,

(g) The Comprehensive Emergency Management Plan pursuant to Rule 59A-5.018, F.A.C.

(6) In addition to the requirements found in Chapter 408, Part II, F.S., all applications for a change of ownership shall include;

(a) A signed agreement with the Agency to correct physical plant deficiencies listed in the most recent licensure inspection that conforms to Florida Building Code;

(b) A copy of the closing documents, which must include an effective date and the signatures of both the buyer and the seller;

(c) Articles of Incorporation or similarly titled document registered by the applicant with the Florida Department of State;

(d) Proof of fictitious name registration if applicable;

(e) Evidence of payment of, or arrangement to pay, any liability to the state pursuant to subsection 395.003(3), F.S.

(7) A license fee ~~as prescribed on the application of \$1,679.82 for the operation of a center as established by Chapter 395, F.S.,~~ shall accompany an application for an initial, renewal, change during the licensure period, or change of ownership license. ~~The license fee shall be made payable to the Agency for Health Care Administration. No license shall be issued without payment of the requisite fee.~~

(8) through (16) No change

Rulemaking Authority 395.1055, 408.819 FS. Law Implemented 395.003, 395.004, 395.0161, 395.1055, 408.806, 408.809, 408.811 FS. History—New 6-14-78, Formerly 10D-30.03, Amended 2-3-88, Formerly 10D-30.003, Amended 11-13-95, 9-17-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jessica Munn

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mary C. Mayhew

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 01/28/2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 05/10/2018

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: RULE TITLE:

64B33-2.003 Requirements for Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update and clarify language for requirements for continuing education.

SUMMARY: The language for requirements for continuing education will be updated and clarified.

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: 456.013, 468.705, 468.711 FS.

LAW IMPLEMENTED: 456.013(7), 468.711(2) 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: Jennifer Wenhold, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-2.003 Requirements for Continuing Education.

(1) No change.

(2) For purposes of this rule, an applicant or licensee certified by the Board of Certification (BOC) or its successor during the biennium can demonstrate compliance with the continuing education requirements of this rule by entering his or her BOC certification number and submitting a copy of his

or her active certification card in the CE tracking system, along with proof of completion of (a) the prevention of medical errors course, and (b) current cardiopulmonary resuscitation and the use of an automated external defibrillator at the professional rescue level. ~~one continuing education hour is the equivalent to fifty clock minutes.~~

(3) Acceptable continuing education must focus on the domains of athletic training, including Injury/Illness Prevention and Wellness ~~Promotion Protection, Examination, Assessment Clinical Evaluation~~ and Diagnosis, Immediate and Emergency Care, ~~Therapeutic Intervention Treatment and Rehabilitation,~~ and Healthcare Administration and Professional Responsibility Organizational and Professional Health and Well-being.

(4) The following continuing education is approved by the Board:

(a) through (b) No change.

~~(e) Home study courses approved by the BOC will be acceptable for no more than 10 of the required continuing education hours. The remaining 14 hours require actual attendance and participation. For those licensees who are initially licensed during the second year of the biennial period, only 5 of the required continuing education hours may consist of home study courses. The remaining 7 hours require actual attendance and participation.~~

~~(c)(d)~~ No change.

(5) No change.

(6) Submission of the active certification card and other required proof of compliance with these continuing education requirements will certify compliance. Any licensee who fails to maintain continuing education requirements, misrepresents completed requirements or attempts to obtain, obtains, or renews a license to practice athletic training through any fraudulent means shall be considered in violation of this part and subject to disciplinary action outlined in Rule 64B33-5.001(4)(q), F.A.C.

Rulemaking Authority 456.013, 468.705, 468.711 FS. Law Implemented 456.013(7), 468.711(2) FS. History—New 8-4-98, Formerly 64B30-25.0031, Amended 8-22-00, 3-6-07, 8-12-08, 7-29-09, 1-16-12, 10-2-12, 1-5-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Athletic Training

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 27, 2018

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

NONE

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On January 25, 2019 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Frankies Bistro LLC located in North Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 45/18 on January 28, 2019. The Order for this Petition was signed and approved on February 04, 2019. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Alexis Aid Inc (13756 NE 11 Ave. North Miami, FL 33171) and Xenas Insurance Agency Inc.(13756 NE 11 Ave. North Miami, FL 33171), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is

installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Frankies Bistro (Frankies Bistro LLC) and/or Alexis Aid Inc. (Alexis Aid Inc.) or Xenas Insurance Agency Inc. (Xenas Insurance Agency Inc.) changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on February 1, 2019, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for JEA Northside Generating Station at 4377 Hecksher dr, Jacksonville, FL. Petitioner seeks an emergency variance of the requirements of Rule 2.27.3.2.1, ASME A17.1, 2013 edition, as adopted by Rule 61C-5.001, Florida Administrative Code that requires emergency recall operation by fire alarm initiating devices which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW 2019-022).

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-15.005 Standards for Certified Nursing Assistant Training Programs

NOTICE IS HEREBY GIVEN that on January 29, 2019, the Board of Nursing, received a petition for variance or waiver filed by St. Cloud High School from subsections 64B9-15.005(2) and (3), F.A.C., regarding the requirement that a program coordinator must have one year of experience in nursing home services, i.e., care of the elderly or chronically ill of any age including supervision of certified nursing assistants. Comments on this petition should be filed with the Board of Nursing, Joe R. Baker, Jr, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL

32399-3252; Joe.Baker@flhealth.gov., within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe R. Baker, Jr, Executive Director, Board of Nursing, at the address listed above.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Florida Forest Service

The Florida department of Agriculture and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIMES: February 13, 2019, 10:00 a.m. and 1:00 p.m.

PLACE: Doyle Connor Building, 3125 Conner Blvd., Tallahassee, Fl. 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting(1:00) and sub-committee meeting(10:00) items of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: Marti Miller, (850)681-5884, 3125 Conner Blvd., Tallahassee, Fl. 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: 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: Marti Miller, (850)681-5884, 3125 Conner Blvd., Tallahassee, Fl. 32399, Martha.miller@freshfromflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

The Private Investigation, Recovery and Security Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 14, 2019, 9:00 a.m.

PLACE: Hilton Orlando/ Altamonte Springs, Capital Ballroom, 350 Northlake Blvd., Altamonte Springs, Florida 32701 Phone: (407)830-1985.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of subsection 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by contacting: Stefannie.Carter@FreshFromFlorida.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: Stefannie Carter, Division of Licensing, P.O. Box 5647, Tallahassee, Florida 32314, Phone: (850)245-5443, Email: Stefannie.Carter@FreshFromFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Stefannie Carter, Division of Licensing, P.O. Box 5647, Tallahassee, Florida 32314, Phone: (850)245-5443, Email: Stefannie.Carter@FreshFromFlorida.com.

DEPARTMENT OF LAW ENFORCEMENT

The Domestic Security Oversight Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2019, 9:00 a.m.

PLACE: The Ocala Hilton, 3600 SW 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Domestic Security Oversight Council will conduct a quarterly meeting to provide direction and recommendations with respect to terrorism prevention, preparation, protection, mitigation, and response and recovery initiatives by state and local agencies. At 9:00 a.m. ET, the full council will hold an "open" meeting. All Council members and interested personnel may attend the meeting. At the conclusion of the full meeting, the Domestic Security Oversight Council will hold its "closed" meeting to address prioritized funding requests and intelligence updates.

A copy of the agenda may be obtained by contacting: Sunny Newman, Office of Policy Development and Planning, Florida Department of Law Enforcement, Government Analyst II, P.O. Box 1489, Tallahassee, FL 32302, Work: (850)410-8435; sunnynewman@fdle.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (850)410-8435, (voice) or (850)656-9597, (TDD). 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: Ms. Sunny Newman at (850)410-8435.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District
The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: March 5, 2019, 2:00 p.m. ET
PLACE: District Headquarters, 81 Water Management Drive, Havana, Florida 32333-4712

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a public meeting for opening of sealed bids is hereby noticed within the timeline for the Invitation to Bid (ITB) 19B-005 for 2020-2024 LONGLEAF PINE TUBELINGS.

A copy of the agenda may be obtained by contacting: Tyler Macmillan, (850)539-5999 or Tyler.Macmillan@nfwwater.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 72 hours before the workshop/meeting by contacting: Division of Administration, (850)539-5999. 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: Tyler Macmillan, (850)539-5999 or Tyler.Macmillan@nfwwater.com.

REGIONAL PLANNING COUNCILS

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

DATE AND TIME: February 13, 2019, 10:00 a.m.
PLACE: University of West Florida, 11000 University Parkway, Building 92, Room 110, Pensacola, Fla.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Subcommittee meetings will begin promptly at 9 a.m. and the full committee, along with any interested parties, will begin at 10:00 a.m.

Parking will be in Lot Z (no pass needed).
A copy of the agenda may be obtained by contacting: Garrett Griffin at gareth.griffin@wfrpc.org, (850)332-7976, ext. 226.

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: Public Involvement at (850)332-7976. 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: Garrett Griffin at gareth.griffin@wfrpc.org, (850)332-7976, ext. 226.

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: Tuesday, February 19, 2019, 10:00 a.m. ET.

PLACE: PLACE: Call 1(888)585-9008, and when prompted enter conference room number 772425480, 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: Stanley Gorsica at (850)907-6809 or Stanley.Gorsica@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: Stanley Gorsica at (850)907-6809 or Stanley.Gorsica@fchr.myflorida.com.

DEPARTMENT OF HEALTH

Board of Medicine
The Board of Medicine - Probable Cause Panel South announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 15, 2019, 2:30 p.m.
PLACE: Meet-Me #: 1(888)585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@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 10 days before the workshop/meeting by contacting: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the

proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel North announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 22, 2019, 2:30 p.m.

PLACE: Meet-Me #: 1(888)585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Jacoyia Hill, (850)558-9848 or email her at jacoyia.hill@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 10 days before the workshop/meeting by contacting: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel South announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 8, 2019, 2:30 p.m.

PLACE: Meet-Me #: 1(888)585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@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 10 days before the workshop/meeting by contacting: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@flhealth.gov. If you are hearing or speech

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

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

For more information, you may contact: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel North announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 22, 2019, 2:30 p.m.

PLACE: Meet-Me #: 1(888)585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@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 10 days before the workshop/meeting by contacting: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The State Child Abuse Death Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 1, 2019, 9:00 a.m. – 4:00 p.m.

PLACE: USF Embassy Suites, 3705 Spectrum Blvd, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address administrative issues, review cases, and discuss the CADR Action Plan. A portion of the meeting is required by paragraph 383.412(3)(a), F.S. to be closed to the public to allow the Committee to discuss information that is confidential and exempt from public meetings and public

records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: Joshua Thomas, Joshua.Thomas@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: Joshua Thomas, Joshua.Thomas@flhealth.gov.

Joshua.Thomas@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).

For more information, you may contact: Joshua Thomas, Joshua.Thomas@flhealth.gov.

OTHER AGENCIES AND ORGANIZATIONS

The Valerin Group, Inc.

The Florida Department of Transportation (FDOT) District Five announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, February 12, 2019, 5:00 p.m. – 7:00 p.m.

PLACE: New Life Community Church, 8310 Forest City Rd., Orlando, FL 32810

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Project Identification (FPID) No.: 991900-2

The Florida Department of Transportation (FDOT) will hold a public hearing about proposed plans to improve safety on State Road (S.R.) 434 (Forest City Road) at the intersection with Falkner Road. Proposed improvements consist of converting the full median opening to a bi-directional opening that allows southbound traffic on Forest City Road to make a left turn onto Falkner Road and northbound traffic to make a left into the medical office complex driveway; however, traffic from Falkner Road and the office complex will only be able to turn right onto Forest City Road. This reduces the number of conflict points at the intersection, improving safety.

The public hearing will be 5:00 p.m. – 7:00 p.m. on Tuesday, February 12, 2019, at the New Life Community Church, 8310 Forest City Rd., Orlando, FL 32810. The hearing will begin as an informational open house at 5 p.m. where displays and other project information will be available for review. Staff also will be available to discuss the project and answer questions. A presentation will begin at 6:00 p.m., followed by public comments.

A court reporter will be present to record proceedings, and assist with comments, as part of the project record. Written comments can be submitted at the hearing, sent by mail to Dave Mixon, Florida Department of Transportation, 719 S. Woodland Boulevard M.S. 562, DeLand, FL 32720; or emailed to Dave.Mixon@dot.state.fl.us no later than Friday, Feb. 22,

2019. All written and oral comments will become part of the project’s public record.

Persons with disabilities who require accommodations under the Americans with Disabilities Act, or persons who require translation services (free of charge), should contact Kelly Hiden, Public Involvement Specialist, by phone at (407)508-0839, or via email at kelly@valerin-group.com at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

A copy of the agenda may be obtained by contacting: There is no agenda

For more information, you may contact: Dave Mixon at (386)943-5DOT, or email Dave.Mixon@dot.state.fl.us. Project information is also available online at www.CFLRoads.com. Search by the FPID number 991900-2.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from the City of Ocala Growth Management, Building Division. The petition seeks the agency's opinion as to the applicability of section 903, Florida Building Code, Building, 6th Edition (2017), as it applies to the petitioner.

Petitioner seeks clarification about whether the automatic sprinkler provisions in section 903, Florida Building Code, Building, 6th Edition (2017), would apply to a townhouse designed in accordance with section R302.2, Florida Building Code, Residential, 6th Edition (2017).

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Agency Clerk’s Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)921-0342, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Mo Madani, Building Codes and Standards Office, Department of Business and Professional

Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, mo.madani@myfloridalicense.com or W. Justin Vogel, Office of the General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)717-1795, wjustin.vogel@myfloridalicense.com.

RESPONSES, MOTIONS TO INTERVENE, OR REQUESTS FOR A HEARING MUST BE FILED WITHIN 21 DAYS OF THIS NOTICE.

DEPARTMENT OF HEALTH

Board of Nursing

Notice is hereby given that the Board of Nursing has received a Petition for Declaratory Statement filed by Christina Land, on December 6, 2018. The Petitioner seeks a Declaratory Statement from the Board with regard to whether it is within the scope of practice of a registered nurse to inject botulinum toxin and dermal fillers for the purpose of treating hyperhidrosis and static and dynamic rhytidosis under a physician’s supervision in a Medical Spa. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice. A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, info@floridasnursing.gov, or by telephone at (850)245-4125.

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

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

NONE

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

NONE

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

NONE

**Section X
Announcements and Objection Reports of**

**the Joint Administrative Procedures
Committee**

NONE

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

DEPARTMENT OF EDUCATION

DISTRICT BOARD OF TRUSTEES

MIAMI DADE COLLEGE

PUBLIC ANNOUNCEMENT

INVITATION TO BID (ITB) :

2019-RB-21 CONSTRUCTION SERVICES – HOMESTEAD CAMPUS – FLAGLER LOT

Scope of Services: Pursuant to section 287.057 Florida Statutes the District Board of Trustees of Miami Dade College (the "Board") is soliciting Bid responses for Construction Services – Homestead Campus – Flagler Lot.

Bid packages can be downloaded from the Purchasing website on or after February 5, 2019. To obtain copies ITB document visit <http://www.mdc.edu/purchasing/bid-posting.aspx>

Please direct questions to; Ramon S. Bristol Castrillon, MA, CPPO, FCCN, Assistant Purchasing Director, Facilities/Plant Maintenance, Tel: (305)237-0011, Email: rbristol@mdc.edu OR please contact: Roman Martinez, MPA, CPPO, CPPB, FCCM, Director – Purchasing Group, rmartin9@mdc.edu, (305)237-0012.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Wednesday, January 30, 2019 and 3:00 p.m., Tuesday, February 4, 2019.

Rule No.	File Date	Effective Date
6A-4.002	1/30/2019	2/19/2019
6A-6.0573	1/30/2019	2/19/2019
6A-25.001	1/30/2019	2/19/2019
6A-25.007	1/30/2019	2/19/2019
6A-25.011	1/30/2019	2/19/2019

6A-25.020	1/30/2019	2/19/2019
19-7.002	1/30/2019	2/19/2019
19-11.001	1/30/2019	2/19/2019
19-11.004	1/30/2019	2/19/2019
19-11.005	1/30/2019	2/19/2019
19-11.006	1/30/2019	2/19/2019
19-11.007	1/30/2019	2/19/2019
19-11.009	1/30/2019	2/19/2019
19-11.011	1/30/2019	2/19/2019
19-11.012	1/30/2019	2/19/2019
59E-2.017	2/5/2019	2/25/2019
59E-5.103	2/5/2019	2/25/2019
59E-5.203	2/5/2019	2/25/2019
59E-5.206	2/5/2019	2/25/2019
61G2-2.0035	1/30/2019	2/19/2019
61G2-4.001	1/30/2019	2/19/2019
61G2-5.001	1/31/2019	2/20/2019
61G2-7.030	1/31/2019	2/20/2019
61G2-7.040	1/31/2019	2/20/2019
61G2-7.050	1/31/2019	2/20/2019
64B8-9.013	2/1/2019	2/21/2019
64B13-5.001	2/1/2019	2/21/2019
67-52.002	2/1/2019	2/21/2019
67-52.003	2/1/2019	2/21/2019
67-52.004	2/1/2019	2/21/2019
68-1.003	2/1/2019	2/21/2019
69I-5.003	2/5/2019	2/25/2019
69I-5.004	2/5/2019	2/25/2019
69I-5.008	2/5/2019	2/25/2019
69I-5.009	2/5/2019	2/25/2019
69K-1.003	1/31/2019	2/20/2019
69K-18.001	1/31/2019	2/20/2019
69K-18.002	1/31/2019	2/20/2019
69K-18.003	1/31/2019	2/20/2019
69K-27.001	1/31/2019	2/20/2019
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****

69L-3.009	12/5/2018	**/**/****
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

Child Nutrition Program State Waiver Request

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018.

1. State agency submitting waiver request and responsible State agency staff contact information:

Florida Department of Agriculture and Consumer Services (FDACS)

Lakeisha T. Hood, Director, (850)617-7438 or 1(800)504-6609, Lakeisha.Hood@FreshFromFlorida.com

Lisa Church, Bureau Chief of Implementation and Accountability, (850)617-7413, Lisa.Church@FreshFromFlorida.com

2. Region: Southeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

FDACS will ensure that sponsors participating in the waiver are in good standing by not being deemed seriously deficient for their returning sites that operated in prior summer.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

FDACS has many experienced sponsors that has previously operated in accordance with Policy Memorandum SFSP 12-2011, Waiver of Site Monitoring Requirements in the Summer Food Service Program (April 5, 2011) to ensure efficient program resources and operations.

The recession of this waiver will impose a significant administrative burden on sponsors and likely result in a reduction of administrative and operational resources needed elsewhere in the their SFSP. The absence of this flexibility would require sponsors to adjust budgets and planning processes as well as hire and train a sufficient number of staff to conduct first week site visits. Additionally, FDACS has twelve (12) SFSP sponsors that operated more than 100 sites in 2018. If a sponsor with 100 sites is required to visit each site at least once during the first week of operation, FDACS estimates that these sponsors would need to hire at least ten (10) additional employees to conduct these visits and budget appropriately for the payroll increases and associated travel expenses.

FDACS sponsors operating less than 100 sites would be proportionately impacted in terms of increased staffing needs without the first week site visit waiver. Without this waiver, overall program costs will increase, there will be an increased monitoring burden for experienced sites, reduced capacity to focus on new sites or sites with previous serious deficiencies. In addition, a corollary reduction in resources in other critical program areas, such as food quality, would occur as increased financial and administrative resources are dedicated to complying with the first week visit requirement.

FDACS is requesting that the first week site visit requirement be waived for sites that operated successfully in the previous year (or other most recent period of operation) and had no serious deficiency findings, or that participated successfully in SFSP, for SFSP sponsors in good standing. Sponsors will continue to monitor all sites within the first four weeks of operation and will maintain a reasonable level of site monitoring, including any necessary follow-up reviews.

FDACS considers a returning sponsor/site to have operated successfully during the previous summer if it is not in serious deficiency. If the waiver request is granted, FDACS will continue to require sponsors to conduct a review of food service operations at each of its sites at least once during the first four weeks of operation as required in 7 CFR 225.15(d)(3). This includes sites that may operate for only one week or less.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

FDACS is requesting the following SFSP regulatory requirement to be waived:

- Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies. [7 CFR 225.15(d)(2)]

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

This statewide waiver will significantly decrease administrative burden and allow for efficient and effective oversight of program operations. FDACS will continue to ensure program integrity through a thorough application approval process, technical assistance visits, administrative reviews, and training. In addition, no change will need to be made to current technology systems as a result of this waiver. Approval of this waiver will have no cost associated for FDACS.

If this waiver request is not approved, the following impact on program operations will likely occur:

- Increased sponsor administrative labor cost to conduct first week site visits for all sites, especially for large sponsor organizations.
- Increased sponsor administrative labor costs will result in less available funds for the purchase of high quality food.
- Loss of sites due to increased administrative burden to conduct site visits at each site during the first week of operation.

These combined impacts will result in a significant decrease in program sponsors and sites due to increased administrative burden. This will result in decreased access to the program and a decrease in meals served to children in Florida.

With the approval of a wavier, FDACS will continue to provide written guidance, training, and technical assistance. FDACS will continue to require its sponsors to provide training to its site personnel and other requirements related to training as set forth in 7 CFR 225.15(d)(1). Furthermore, FDACS will continue to require sponsors to conduct a review of food service operations at each of its sites at least once during the first four weeks of operation as required in 7 CFR 225.15(d)(3) including at sites that may operate for only one week or less.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

The flexibilities and policies rescinded by the USDA-FNS on October 11, 2018 through SFSP 01-2019 Summer Food Service

Program Memoranda Rescission will increase administrative burden and create barriers to program access and effective program operation. To address these barriers, FDACS is submitting this waiver request. FDACS will continue to implement streamlined measures and process improvement for the program.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

FDACS does not anticipate any challenges with waiver implementation.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:

The waiver will not increase the overall cost of the Program to the Federal Government because it is an administrative flexibility, not operational.

10. Anticipated waiver implementation date and time period:

May 1, 2019 through the end of the Federal fiscal year and remain in effect for a period of five years until September 30, 2024.

11. Proposed monitoring and review procedures:

Sponsors and sites will continue to be monitored by FDACS as outlined in 7 CFR 225.7 (2)(ii)(B). Standard monitoring and review procedures will continue to be followed. If noncompliance is identified, FDACS will implement a corrective action plan and conduct follow-up reviews, as needed.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

FDACS will provide FNS with required reports, including review findings and technical assistance. This information will be available annually.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

Child Nutrition Program State Waiver Request

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C.

1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018.

1. State agency submitting waiver request and responsible State agency staff contact information:

Florida Department of Agriculture and Consumer Services (FDACS)

Lakeisha T. Hood, Director, (850)617-7438

Lakeisha.Hood@FreshFromFlorida.com

Lisa Church, Bureau Chief of Implementation and Accountability, (850)617-7413

Lisa.Church@FreshFromFlorida.com

2. Region: Southeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

FDACS will ensure that sponsors participating in the waiver are in good standing by not being deemed seriously deficient for their returning sites that operated in prior summer.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

FDACS is requesting a statewide waiver for Summer Food Service Program (SFSP) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) on October 11, 2018 through SFSP 01-2019 Summer Food Service Program Memoranda Rescission.

The impact and challenges faced as a result of the rescinded flexibilities and policies to FDACS and Florida's SFSP sponsors are as follows:

The waiver of meal time restrictions allows sponsors to serve meals at times that align with program activities and meet the needs of children and families. The restriction of shortening the duration of meal services times will negatively affect sites with large ADA's, especially those sites utilizing the OVS option or family style serving. In 2018, there were 520 sites with ADA's of 150 children or more operating breakfast.

In the past, these sites have had the flexibility to choose their meal services times to fit their needs. By restricting them, these sites may not have the capacity or staff to accommodate the higher ADA within a shorter time frame. In addition, FDACS sites are predominantly open sites at recreation centers and libraries, where children and youth participate in a combination of structured and non-structured activities. Because times when children and youth arrive at open sites flows, site staff find they serve more children when they have longer serving windows. Mealtimes restrictions would prevent hundreds of children from receiving a healthy meal. Families rely on these meals. They also rely on public transportation to get to meal sites, and therefore it is essential to have longer meal times to accommodate families.

By implementing meal service time restrictions, FDACS would be required to develop a manual process of calculating the duration of each meal service and the time elapsed between meal services. FDACS staff would spend an estimated 210 additional hours in the initial approval of the site applications. This estimate does not include the time it would take to process revisions.

The goal of this waiver is to reinstate the rescinded flexibilities and policies to allow for efficient and cost-effective program management and reduce administrative burden for sponsors and FDACS.

Approval of this waiver will allow FDACS and Florida's SFSP sponsors to continue implementing streamlined measures for effective program management and operation. In addition, if approved, FDACS will not be required to spend additional

administrative funds and staff time to update technology systems and revise statewide training and review procedures.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

FDACS request to waive current regulations at 7 CFR 225.16(c)(1)(2) for meal times as originally published in SFSP 11-2011, Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program, October 31, 2011. Regulations require that three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another meal service, except that four hours must elapse between lunch and supper if no snack is served. This policy waived these requirements but maintained that sponsors must continue to establish meal service times.

7 CFR 225.16(c) -Time restrictions for meal service. (1) Three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another, except that 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this paragraph shall not apply to residential camps.

(2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

FDACS has an electronic application system known as Florida Automated Nutrition System (FANS) in which sponsor will indicated their serving times each specific meal service on their site application in FANS. Program management, accommodate operational requirements and meet needs of participating children, time limits will not be placed on the duration of a meal service or the amount of time that must elapse between the beginning of one meal service and the beginning of the next. Sponsors must continue to establish meal times for each site and provide this information to FDACS to ensure effective oversight. FDACS will have discretion to determine the length of supper meal service and if meals served

outside of the approved meal service may still be claimed for reimbursement in the case of an unanticipated event.

This waiver will significantly decrease administrative burden, allow for efficient and effective oversight of program operations, and allow sponsor organizations to meet the needs of their communities and participating children. FDACS will continue to ensure program integrity through a thorough application approval process, technical assistance visits, administrative reviews, and training. In addition, no change will need to be made to current technology systems as a result of this waiver.

If this waiver is not implemented, the following impact on program operations will likely occur:

- Increased costs to FDACS to update software systems to comply with regulation changes. Updates to software will affect application, claims, and compliance modules.
- Significant impact on FDACS staff time and effort and increased cost to update training and technical assistance materials, re-train sponsor and site staff, and monitor compliance with rescinded flexibilities and policies.
- A decrease in the number of meals offered at sites due to meal time restrictions. The restrictions hinder sites serving meals at times that align with site activities and needs of participating children. This will lead to a loss of reimbursement revenue.
- Increased operational labor costs for sponsors due to the amount of time that must be placed between meals.

These combined impacts will result in a significant decrease in access to the program, a decrease in meals served to children in Florida.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

The flexibilities and policies rescinded by the USDA FNS on October 11, 2018 through SFSP 01-2019 Summer Food Service Program Memoranda Rescission will increase administrative burden and create barriers to program access and effective program operation. To address these barriers, FDACS is submitting this waiver. FDACS continues to implement streamlined measures and process improvement for the program.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

FDACS does not anticipate any challenges when implementing the requested waiver.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:

There is no anticipated impact on Federal administrative costs for State Agency oversight with implementation of this waiver.

10. Anticipated waiver implementation date and time period:

May 1, 2019, through the end of the Federal fiscal year and remain in effect for a period of five years until September 30, 2024

11. Proposed monitoring and review procedures:

FDACS Sponsors and sites will continue to be monitored by FDACS as outlined in 7 CFR 225.7 (2)(ii)(B). Standard review procedures will continue to be followed; if noncompliance is identified, FDACS will implement a corrective action plan and conduct follow-up reviews, as needed.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

FDACS will utilize the reporting function Report Manager link to the Florida Automated Nutrition System to review sponsors and their site times. FDACS will send the list to USDA on an annual basis following:

- List of sponsors
- List of sites with meal service times

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness
 Child Nutrition Program State Waiver Request
 Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and

Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018.

1. State agency submitting waiver request and responsible State agency staff contact information:

Florida Department of Agriculture and Consumer Services (FDACS)

Lakeisha T. Hood, Director

(850)617-7438 or 1(800)504-6609

Lakeisha.Hood@FreshFromFlorida.com

Lisa Church, Bureau Chief of Implementation and Accountability

(850)617-7413 Direct Line

Lisa.Church@FreshFromFlorida.com

2. Region: Southeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

FDACS will ensure that sponsors participating in the waiver are in good standing by not being deemed seriously deficient for their returning sites that operated in prior summer.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

FDACS has many experienced self-prep sponsors that have utilized the waiver for the summer meal pattern and Offer Verse Serve (OVS) option at sites. In 2018, 33 NSLP sponsors operating 740 sites used the OVS option through the Summer Food Service Program. In addition, 133 sites operating under non-NSLP sponsors were classified as OVS which equates to 3% of total sites operating. FDACS is requesting to waive a regulatory requirement regarding the SFSP OVS and the use of the National School Lunch Program (NSLP) meal pattern. This request seeks to allow sponsors that had no deficiency in OVS with the meal pattern. These sponsors should not be mandated

to follow more restrictive NSLP meal pattern requirements, including compliance with vegetable sub-groups and sodium, fat and calorie restrictions when choosing the OVS serving option. The expected outcomes are as follows:

- The over goal of the program is to provide nutritious meals to children who are otherwise at risk of being unserved or going without food during the school breaks. Self-prep sponsor most familiar with OVS and many use it to meet the meal pattern requirements while reducing plate waste. Requiring a continuation of the NSLP/SBP meal pattern for use with OVS would limit the sponsors capability of using the leftover inventory within the short summer season. In addition, requiring the use of the NSLP/SBP meal pattern would also increase the cost of food to sponsor who has already planned their summer budgets.

- Since the extension of OVS, FDACS has had sponsors utilizing the OVS and summer meal patter successfully each summer. By not allowing them to continue may discourage the sponsors participation in SFSP.

- FDACS will continue to provide training and technical assistance before and during the summer to ensure sponsors remain successful in implementation of OVS and the SFSP meal pattern.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

FDACS is requesting to waive the SFSP requirement limiting the “offer versus serve” option to School food authorities that are SFSP sponsors. [7 CFR 225.16(f)(1)(ii)]

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

FDACS has an electronic application system known as Florida Automated Nutrition System (FANS) in which sponsor will indicated their intention to use OVS for each specific site application in FANS. OVS continues to be an option and not a requirement for eligible sponsor and the state agency reserves to the deny sponsor request if findings related to OVS were observed in the prior operating year. Sponsor indicating the use of OVS will require additional staff training. FDACS staff will review the site applications and approved the OVS individually. Sponsor/Sites demonstrating a lack understanding of OVS requirements during site visits will be immediately stopped from utilizing OVS and will be required to serve complete SFSP meals for the remained for the summer. No additional cost associated with this waiver. If the waiver is not approved the following will impact program operations:

County: Alachua District: 3
 Date Filed: 02/04/2019 LOI #: H1902005
 Facility/Project: Oglethorpe Mental Health Services of FL, LLC
 Applicant: Oglethorpe Mental Health Services of FL, LLC
 Project Description: Establish an adult psychiatric hospital of up to 31 beds

County: Marion District: 3
 Date Filed: 02/04/2019 LOI #: H1902006
 Facility/Project: Oglethorpe Mental Health Services of FL, LLC
 Applicant: Oglethorpe Mental Health Services of FL, LLC
 Project Description: Establish an adult psychiatric hospital of up to 31 beds

County: Lake District: 3
 Date Filed: 02/04/2019 LOI #: H1902007
 Facility/Project: Oglethorpe Mental Health Services of FL, LLC
 Applicant: Oglethorpe Mental Health Services of FL, LLC
 Project Description: Establish an adult psychiatric hospital of up to 31 beds

County: Hillsborough District: 6
 Date Filed: 02/04/2019 LOI #: H1902008
 Facility/Project: Encompass Health Rehabilitation Hospital of Hillsborough County, LLC
 Applicant: Encompass Health Rehabilitation Hospital of Hillsborough County, LLC
 Project Description: Establish a comprehensive medical rehabilitation hospital of up to 80 beds

County: Seminole District: 7
 Date Filed: 02/04/2019 LOI #: H1902009
 Facility/Project: Orlando Health South Seminole Hospital
 Applicant: Orlando Health, Inc.
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 20 beds

County: Miami-Dade District: 11
 Date Filed: 02/01/2019 LOI #: H1902010
 Facility/Project: Aventura Hospital and Medical Center
 Applicant: Miami Beach HealthCare Group, Ltd.
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 30 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 10, 2019, the date the application is

scheduled to be deemed complete. Tentative hearing dates will be published on March 13, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Beaches and Coastal Systems
 Notice of Availability of Pass-a-Grille Inlet Management Plan
 The Florida Department of Environmental Protection (Department) announces the availability of the Pass-a-Grille Inlet Management Plan of 2019, as adopted on January 11, 2019.

Summary of Pass-a-Grille Inlet Management Plan of 2019: Pursuant to subsection 161.101(2), F.S., the Department is the beach and shore preservation authority for the State of Florida. As part of the beach management plan adopted pursuant to section 161.161, F.S., the Department is adopting this Inlet Management Plan for Pass-a-Grille in Pinellas County, Florida. This plan for Pass-a-Grille is consistent with section 161.142, F.S. To obtain a copy of the Pass-a-Grille Inlet Management Plan (2019), visit:

<https://floridadep.gov/water/beaches-inlets-ports/documents/pass-grille-inlet-management-plan> or contact Kristin Gousse, Department of Environmental Protection, telephone: (850) 245-8483, email: Kristin.Gousse@floridadep.gov

This Order is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the paragraphs below or unless a request for extension of time in which to file a petition is filed within the required timeframe and conforms to Rule 62-110.106(4), F.A.C. Upon timely filing of a petition or a request for an extension, this Order will not be effective until further Order of the Department.

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) in accordance with sections 120.569 and 120.57, F.S.. The petition must contain the information set forth below and must be filed (received) with the Agency Clerk for the Department of Environmental Protection, at Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, or by electronic mail at Agency_Clerk@dep.state.fl.us, within 21 days of receipt of this Notice. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S. of the Florida Statutes. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, F.A.C.

A petition must contain the following information:
 (a) The name and address of each agency affected and each agency's file or identification number, if known;

- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;
- (c) A statement of how and when the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts which petitioner contends warrant reversal or modification of the Department’s action;
- (f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department’s action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the materials facts on which the Department’s action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that, the Department’s final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to section 120.68, F.S., , by filing a Notice of Appeal pursuant to Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DEPARTMENT OF HEALTH
 Board of Nursing
 Notice of Emergency Action

On February 5, 2019, the State Surgeon General issued an Order of Emergency Restriction with regard to the license of Brittany Nicole Norman, R.N., License # RN 9287432. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH
 Board of Nursing
 Notice of Emergency Action

On February 1, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the certificate of Rossana P. Ramirez, C.N.A., Certificate # CNA 19380. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH
 Board of Pharmacy
 Notice of Emergency Action

On February 1, 2019, State Surgeon General issued an Order Lifting Emergency Suspension of License with regard to the license of Mache Latronis Powell, R.P.T., License No.: RPT 50136. Department orders that the Emergency Suspension of License be lifted.

DEPARTMENT OF FINANCIAL SERVICES
 FSC - Financial Institution Regulation
 Office of Financial Regulation
 NOTICE OF FILINGS
 Financial Services Commission
 Office of Financial Regulation
 February 6, 2019

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

By Mail or Facsimile	OR By Hand Delivery
Agency Clerk	Agency Clerk

Office of Financial Regulation Office of Financial
Regulation
P.O. Box 8050 Genral Counsel's Office
Tallahassee, Florida 32314-8050 The Fletcher Building,
Suite 118

Phone: (850)410-9889 101 East Gaines Street
Fax: (850)410-9663 Tallahassee, Florida 32399-
0379

Phone: (850)410-9889

Section XIII Index to Rules Filed During Preceding Week

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

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the Agency Clerk no later than seven (7) days prior to the filing deadline or proceeding, at the Office of Financial Regulation, The Fletcher Building, Suite 118, 101 East Gaines Street, Tallahassee, Florida 32399-0379, Phone: (850)410-9889, or by Email: agency.clerk@flofr.com.

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 26, 2019):

APPLICATION TO MERGE

Constituent Institutions: VyStar Credit Union,

Jacksonville, Florida and The Citizens State Bank,

Perry, Florida

Resulting Institution: VyStar Credit Union, Jacksonville, Florida

With Title: VyStar Credit Union

Received: February 1, 2019

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA

Federal Reserve Bank of Atlanta, Atlanta, GA

Comptroller of the Currency, Atlanta, GA

Michael M. Bell, ESQ.
