

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.047
RULE TITLE: Alternate Contract Sources of Commodities and Services

PURPOSE AND EFFECT: This is a substantial rewording and initial notice of rule development for Rule 60A-1.047, F.A.C., Alternate Contract Sources of Commodities and Services. The changes remove unused, duplicative or otherwise unnecessary wording, modify criteria to reflect preferred practices, make technical amendments, remove antiquated practices, and provide further flexibility and clarification.

SUBJECT AREA TO BE ADDRESSED: Alternate Contract Sources

RULEMAKING AUTHORITY: 287.032(2), 287.042(12) FS.

LAW IMPLEMENTED: 287.042(16), 287.057(3)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, December 28, 2015, 10:00 a.m.
PLACE: 4050 Esplanade Way, Room 380K, Tallahassee, Florida 32399-0950

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: Leigh Anne Payne, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: (850)414-5790, Email: leighanne.payne@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leigh Anne Payne, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: (850)414-5790, Email: leighanne.payne@dms.myflorida.com.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-18.003
RULE TITLE: Exemption from Licensure Renewal Provisions

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete outdated or unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Exemption from Licensure Renewal Provisions.

RULEMAKING AUTHORITY: 476.064(4), 455.02 FS.

LAW IMPLEMENTED: 476.144, 455.02 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.0105
RULE TITLE: Barbershop Delinquent Renewal Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete outdated or unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Barbershop Delinquent Renewal Fee.

RULEMAKING AUTHORITY: 476.064(4), 476.184, 476.192 FS.

LAW IMPLEMENTED: 476.184, 476.192 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.450 RULE TITLE: Centralized Prescription Filling, Delivering and Returning

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide instructions regarding prescriptions transmitted electronically from an originating pharmacy to a central fill pharmacy.

SUBJECT AREA TO BE ADDRESSED: Centralized Prescription Filling, Delivering and Returning.

RULEMAKING AUTHORITY: 465.005, 465.0155, 465.0265 FS.

LAW IMPLEMENTED: 465.003(16), 465.019, 465.022, 465.0265 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.702 RULE TITLE: Modified Class II Institutional Pharmacies

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the provision for the utilization of an inventory system for injectables and other medicinal drugs required by the Pharmacy Services Committee.

SUBJECT AREA TO BE ADDRESSED: Modified Class II Institutional Pharmacies.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.
LAW IMPLEMENTED: 465.019(2)(c), 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

**Section II
Proposed Rules**

PUBLIC SERVICE COMMISSION

RULE NOS.: 25-6.093 RULE TITLES: Information to Customers
25-6.097 Customer Deposits
25-6.100 Customer Billings

PURPOSE AND EFFECT: To conform the rules to the recent amendments to Section 366.05, F.S., and Section 366.95, F.S., and to clarify and simplify the rules and delete unnecessary and redundant rule language.

Docket No. 150241-PU

SUMMARY: The rule amendments make the rules consistent with recent amendments to Section 366.05, F.S. The rule amendments also implement billing notice requirements in Section 366.95, F.S., for electric utilities that have obtained a financing order for nuclear assets and caused nuclear asset recovery bonds to be issued.

Rule 25-6.093, F.A.C. – Amendments state that by paper or electronic bill insert, billing statement, website or electronic notification, the utility shall give to each of its customers a summary of all available electric rates. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-6.097, F.A.C. – Amendments state that the methodology for determining the amount of customer deposits shall conform to paragraph 366.05(1)(c), F.S. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-6.100, F.A.C. – Amendments implement paragraph 366.95(4)(b), F.S., where applicable, that the rate and amount of the “Asset Securitization Charge” shall be separately itemized on each customer bill. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

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 been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments will not have an adverse impact on economic growth, business

competitiveness, or small business and are not likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within one year after implementation of the rules, or in excess of \$1 million within five years after implementation. The rules are also not likely to have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after implementation of the rule.

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

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: 350.127(2), 366.04(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04(2), 366.04(2)(f) and (6), 366.041(1), 366.05(1)(b), 366.05(1)(c), 366.05(1)(d), 366.05(3), 366.051, 366.06(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela H. Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, ppage@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.093 Information to Customers.

(1) ~~Each utility shall, upon request of any customer, give such information and assistance as is reasonable, in order that the customer may secure safe and efficient service. Upon the customer's request, the utility shall provide to the any customer information as to the method of reading meters and the derivation of billing therefrom, the billing cycle and approximate date of monthly meter reading.~~

(2) Upon request of the any customer, the utility shall ~~is required~~ to provide to the customer a copy and explanation of the utility's rates and provisions applicable to the type or types of service furnished or to be furnished such customer, ~~and to assist the customer in obtaining the rate schedule which is most advantageous to the customer's requirements.~~

(3)(a) By paper or electronic bill insert, billing statement, website, electronic notification, or other means agreed to by both the customer and the utility appropriate means of

~~communication~~, the utility shall give to each of its customers a summary of all available electrical major rates schedules that ~~which~~ are available to the class of which that customer is a member, ~~and~~

(b) The utility shall provide the information contained in paragraph (a) to all its customers:

1. Not later than 60 days after the commencement of service, ~~and~~

2. through 3, No change.

(c) through (d), No change.

(4) Upon request of the any customer, but not more frequently than once each calendar year, the utility shall provide to the customer transmit a concise statement of the actual consumption of electric energy by that customer for each billing period during the previous 12 months.

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.04(2)(f), (6), 366.041(1), 366.05(1), (3), 366.06(1) FS. History—New 7-29-69, Amended 11-26-80, 6-28-82, 10-15-84, Formerly 25-6.93, Amended 4-18-99, _____.

25-6.097 Customer Deposits.

(1) ~~Deposit required; establishment of credit. Each utility's company's tariff shall state the methodology contain their specific criteria for determining the amount of the initial deposit charged for existing accounts and new service requests. The methodology shall conform to paragraph 366.05(1)(c), F.S. Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utilities' rules for prompt payment of bills. Credit will be deemed so established if:~~

(a) ~~The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (2) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.~~

(b) ~~The applicant pays a cash deposit.~~

(c) ~~The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.~~

(2) Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit

shall not relieve the customer from complying with the utility's rules for payment of bills. Credit will be deemed so established if:

(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (3) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.

(b) The applicant pays a cash deposit.

(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.

(3)(2) Refund of deposits. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility shall refund the residential customer's deposits and shall, at the utility's its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months:-

(a) through (e), No change.

(4)(3) Deposits for existing accounts ~~New or additional deposits.~~ A utility may charge require, upon reasonable written notice to the customer of not less than thirty (30) days, a new deposit, where previously waived or returned, or additional deposit on an existing account, in order to secure payment of ~~current~~ bills. Such request for a deposit shall be separate and apart from any bill for service and shall explain the reason for the such new or additional deposit, provided, however, that the total amount of the required deposit shall not exceed an amount equal to twice the average charges for actual usage of electric service for the twelve month period immediately prior to the date of notice. In the event the customer has had service less than twelve months, then the utility shall base its new or additional deposit upon the average actual monthly usage available. The deposit charged must conform to the requirements of Section 366.05(1)(c)1., F.S.

(5)(4) Interest on deposits.

(a) Each electric utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 2 percent per annum. The utility shall pay an

interest rate of 3 percent per annum on deposits of nonresidential customers qualifying under subsection (32) when the utility elects not to refund such deposit after 23 months. ~~Such interest rates shall be applied within 45 days of the effective date of the rule.~~

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any utility paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on a ~~his~~ deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months, then the customer he shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a utility from refunding at any time a deposit with any accrued interest.

(6)(5) Record of deposits. Each utility ~~having on hand deposits from a customer or hereafter receiving deposits from them~~ shall keep records to show:

(a) No change;

(b) The premises for which the deposit applies occupied by the customer;

(c) through (d), No change.

(7)(6) Receipt for deposit. The utility shall provide a receipt to the customer for any deposit received from the customer ~~A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. Where a new or additional deposit is required under subsection (3) of this rule, a customer's cancelled check or validated bill coupon may serve as a deposit receipt.~~

(8)(7) Refund of deposit when service is discontinued. Upon termination of service, the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned promptly to the customer but in no event later than fifteen (15) days after service is discontinued.

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.041(1), 366.05(1), 366.06(1) FS. History—New 7-29-69, Amended 5-9-76, 7-8-79, 6-10-80, 10-17-83, 1-31-84, Formerly 25-6.97, Amended 10-13-88, 4-25-94, 3-14-99, 7-26-12, _____.

25-6.100 Customer Billings.

(1) No change.

(2) ~~By January 1, 1983,~~ Each customer's bill shall show at least the following information:

(a) through (c), No change:

1. Customer, Base or Basic Service charge.

2. Energy (KWH) charges, exclusive of fuel, in cents per KWH, ~~including amounts for on and off peak if the customer is time-of-day metered,~~ and applicable cost recovery clause charges ~~energy conservation costs.~~

3. Demand (KW) charges, exclusive of fuel, in dollar cost per KW, if applicable, for any demand charges included in the utility's rate structure and applicable cost recovery clause charges including amounts for on and off peak if the customer is time of day metered.

4. Fuel (KWH) charges ~~cost~~ in cents per KWH (no fuel costs shall be included in the Energy or Demand base charges for demand or energy).

5. Total electric cost which, at a minimum, is the sum of ~~the customer charge, total fuel cost, total energy cost, and total demand cost. charges 1 through 4 above but can include other line item charges (e.g., Florida Gross Receipts Tax, etc.).~~

6. through 10, No change.

11. The rate and amount of the "Asset Securitization Charge," pursuant to paragraph 366.95(4)(b), F.S., if applicable.

(d) through (g), No change.

(h) Any conversion factors which can be used by customers to convert from meter reading units to billing units. Where metering complexity makes this requirement impractical, a statement must be on the bill advising where and how ~~that~~ such information may be obtained from ~~by~~ contacting the utility's local business office.

(i) Where budget billing is used, ~~the bill shall contain~~ the current month's actual consumption and charges should be shown separately from budgeted amounts.

(j) If applicable, the information required by subsection 366.8260(4), F.S., and subsection 366.95(4), F.S.

~~(k)(j)~~ The name and address of the utility and plus the telephone toll free number(s) and web address where customers can receive information about their bill as well as locations where the customers can pay their utility bill. Such information must identify those locations where no surcharge is incurred.

(3) No change.

(4) The advancement or postponement of tThe regular meter reading date is governed by subsection 366.05(1)(b), F.S. may be advanced or postponed not more than five days without a pro-ration of the billing for the period.

(5) Whenever the period of service for which an initial or opening bill is rendered is less than the normal billing period, the charges applicable to such service, including minimum charges, shall be prorated ~~pro-rated~~ except that initial or opening bills need not be rendered but the energy used during such period may be carried over to and included in the next regular monthly billing.

(6) through 7, No change.

Rulemaking Authority 366.05(1), 366.04(2) FS. Law Implemented 366.03, 366.04(2), 366.041(1), 366.05(1), 366.051, 366.06(1), 366.8260(4), 366.95(4) FS. History—New 2-25-76, Amended 4-13-80, 12-29-81, 6-28-82, 5-16-83, 2-4-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elisabeth Draper

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 41, Number 187, September 25, 2015

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-7.079	Information to Customers
25-7.083	Customer Deposits
25-7.085	Customer Billing

PURPOSE AND EFFECT: To conform the rules to the recent amendments to Section 366.05, F.S., and to clarify and simplify the rules and delete unnecessary and redundant rule language.

Docket No.150241-PU

SUMMARY: The rule amendments make the rules consistent with recent amendments to Section 366.05, F.S.

Rules 25-7.079, F.A.C. – Amendments clarify that upon request of the customer, the utility shall provide to the customer a copy and/or explanation of the utility's rates applicable to the type or types of service furnished or to be furnished to the customer. The amendments also remove language that is redundant to the implementing statute.

Rule 25-7.083, F.A.C. – Amendments state that the methodology for determining the amount of customer deposits shall conform to paragraph 366.05(1)(c), F.S. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-7.085, F.A.C. – Amendments state that the advancement or postponement of regular meter reading dates is governed by subsection 366.05(1)(b), F.S. The amendments also clarify the rule.

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

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments will not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within one year after implementation of the rules, or in excess of \$1 million within five years after implementation. The rules are also not likely to

have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after implementation of the rule.

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

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: 350.127(2), 366.05(1), 366.05(1)(a), FS.

LAW IMPLEMENTED: 366.03, 366.05(1), 366.05(1)(b), 366.05(1)(c), 366.05(1)(d), 366.06, 366.06(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela H. Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, phpage@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.079 Information to Customers.

(1) ~~Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that the customer may secure safe and efficient service.~~ The utility shall, when requested, by the customer, provide to the any customer information as to the method of reading meters and derivation of billing therefrom.

(2) Upon request of the any customer, ~~it shall be the duty of the utility shall to provide to the customer;~~ a copy and/or explanation of the utility's rates applicable to the type or types of service furnished or to be furnished to the such customer; ~~and to assist him in obtaining the rate which is most advantageous for his service requirements.~~

Rulemaking Authority 366.05(1) FS. Law Implemented 366.03, 366.05(1), 366.06 FS. History—New 1-8-75, Repromulgated 5-4-75, Formerly 25-7.79, Amended _____.

25-7.083 Customer Deposits

(1) ~~Deposit required; establishment of credit.~~ Each utility's ~~company's~~ tariff shall state the methodology contain their specific criteria for determining the amount of the initial deposit charged for existing accounts and new service requests. The methodology shall conform to Section

366.05(1)(c), F.S. Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utilities' rules for prompt payment of bills. Credit will be deemed so established if:

~~(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (6) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.~~

~~(b) The applicant pays a cash deposit.~~

~~(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.~~

(2) Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utility's rules for payment of bills. Credit will be deemed so established if:

(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (7) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.

(b) The applicant pays a cash deposit.

(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.

(3)(2) Receipt for deposit. The utility shall provide a receipt to the customer for any deposit received from the customer. A non-transferable certificate of deposit shall be

~~issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. When a new or additional deposit is required under subsection (3) of this rule a customer's cancelled check or validated bill coupon may serve as a deposit receipt.~~

~~(4)(3) Deposits for existing accounts New or additional deposits. A utility may charge require, upon reasonable written notice to the customer of not less than 30 days, such request or notice being separate and apart from any bill for service, a new deposit, where previously waived or returned, or an additional a deposit on an existing account; in order to secure payment of current bills; provided, however, that the total amount of the required deposit shall not exceed an amount equal to the average actual charges for gas service for two billing periods for the 12 month period immediately prior to the date of notice. In the event the customer has had service less than 12 months, then the utility shall base its new or additional deposit upon the average actual monthly billing available. Such request for a deposit shall be separate and apart from any bill for service and shall explain the reason for the deposit. The deposit charged must conform to the requirements of Section 366.05(1)(c)1., F.S.~~

~~(5)(4) Record of deposit. Each utility having on hand deposits from customers or hereafter receiving deposits from them shall keep records to show:~~

(a) No change.

(b) The premises for which the deposit applies occupied by the customer;

(c) through (d) No change.

~~(6)(5) Interest on deposits.~~

(a) Each gas utility which requests deposits to be made by its customers shall pay a minimum interest on such deposits of 2 percent per annum. The utility shall pay a minimum interest rate of 3 percent per annum on deposits of nonresidential customers qualifying under subsection ~~(7)(6)~~ below when the utility elects not to refund such a deposit after 23 months. ~~Such interest rates shall be applied within 45 days of the effective date of the rule.~~

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any utility paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on a his deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months, then the customer he shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a utility from refunding at any time a deposit with any accrued interest.

~~(7)(6) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility shall refund the residential customer's deposits and shall, at the utility's its option, either refund or pay the higher rate of interest specified above for nonresidential deposits, provided the customer has not, in the preceding 12 months:~~

(a) through (d) no change

(e) Used service in a fraudulent or unauthorized manner. ~~Nothing in this rule shall prohibit the company from refunding at any time a deposit with any accrued interest.~~

~~(8)(7) Refund of deposit when service is disconnected. Upon termination of service, the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned promptly to the customer but in no event later than fifteen (15) days after service is discontinued.~~

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.05(1) FS. History—New 1-8-75, Amended 6-15-76, 6-10-80, 1-31-84, Formerly 25-7.83, Amended 10-13-88, 4-25-94, 3-14-99, 7-26-12, _____.

25-7.085 Customer Billing.

(1)(a) through (c) No change.

1. Customer, Base or Basic Service charge.

2. Energy (therm) charges exclusive of fuel cost in cents per therm.

3. Fuel (therm) charges cost in cents per therm (no fuel costs shall be included in the charge for energy).

4. Total gas cost which at a minimum is the sum of charges 1 through 3 above but can include other line item charges (e.g., Florida Gross Receipts Tax) the customer charge, total fuel cost and total energy cost.

5. through 9 (i) No change

(j) The name of the utility plus the address, ~~and~~ telephone number(s) and web address of the local office where the bill can be paid and questions concerning the bill can be answered.

(2) through 4, No change

(5) The advancement or postponement of rRegular meter reading dates is governed by subsection 366.05(1)(b), F.S. may be advanced or postponed not more than five days without a proration of the billing for the period.

(6) through 7 (a) No change.

(b) A utility company may not incorporate any franchise fee into its other rates for service.

(c) No change

Rulemaking Authority 366.05(1) FS. Law Implemented 366.05(1), 366.06(1) FS. History—New 12-15-73, Repromulgated 1-8-75, Amended 5-4-75, 11-21-82, 12-26-82, Formerly 25-7.85, Amended 10-10-95, 7-3-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elisabeth Draper

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 41, Number 187, September 25, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
 61G3-15.016 Time for Payment of Civil Penalties
 PURPOSE AND EFFECT: The Board proposes the rule repeal to remove outdated or unnecessary language.
 SUMMARY: The rule will be repealed due to outdated or unnecessary language.

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 determined that the rule will not significantly alter the procedures that the Board currently follows or costs. 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: 476.064(4), 455.227(2), 476.204 FS.

LAW IMPLEMENTED: 455.227(2), 476.204 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.016 Time for Payment of Civil Penalties.
 Rulemaking Authority 476.064(4), 455.227(2), 476.204 FS. Law Implemented 455.227(2), 476.204 FS. History—New 7-16-80, Formerly 21C-15.16, Amended 5-31-93, Formerly 21C-15.016, Amended 9-21-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
 61G3-20.011 Barber Assistant Biennial Renewal Fee
 PURPOSE AND EFFECT: The Board proposes the rule repeal to remove outdated or unnecessary language.
 SUMMARY: The rule will be repealed due to outdated or unnecessary language.

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 determined that the rule will not alter the procedures that the Board currently follows or costs. 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: 476.064(4), 476.084(1) FS.

LAW IMPLEMENTED: 476.084(1), 476.164 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: Robyn Barineau, Executive Director,

Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.011 Barber Assistant Biennial Renewal Fee.

Rulemaking Specific Authority 476.064(4), 476.084(1) FS. Law Implemented 476.084(1), 476.164 FS. History--New 7-16-80, Formerly 21C-20.11, 21C-20.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2015

DEPARTMENT OF CHILDREN AND FAMILIES

Mental Health Program

RULE NOS.: RULE TITLES:

- 65E-15.021 Definitions
- 65E-15.031 Priority Clients
- 65E-15.032 Intensive Case Management Team Services
- 65E-15.041 Case Status
- 65E-15.051 Case Management
- 65E-15.071 State Treatment Facility and Case Management Activities
- 65E-15.081 Case Management Record
- 65E-15.111 Systems Management

PURPOSE AND EFFECT: The Department proposes to repeal Chapter 65E-15, F.A.C., because all of its regulatory requirements are now obsolete.

SUMMARY: Chapter 65E-15, F.A.C., is repealed.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's staff analysis of this amendment concluded these changes are technical in nature with insufficient impact on direct or indirect regulatory compliance to warrant 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: 394.457, 394.78, 916.20(1) FS.

LAW IMPLEMENTED: 394.455, 394.4573, 394.66, 394.67, 394.74(3), 394.75, 394.76(2), 394.78, 394.907, 916.17(2) FS.

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

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: Wanda Carter, wanda.carter1@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wanda Carter, Office of Substance Abuse and Mental Health, Department of Children and Families, 1317 Winewood BLVD, Building 6, Room 259, Tallahassee, FL 32399-0700, wanda.carter1@myflfamilies.com

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-15.021 Definitions.

Rulemaking Specific Authority 394.457(5), 394.78(1) FS. Law Implemented 394.455, 394.4573, 394.67 FS. History--New 4-20-89, Amended 11-17-93, 6-9-96, Formerly 10E-15.021, Repealed.

65E-15.031 Priority Clients.

Rulemaking Specific Authority 394.457(5), 394.78(1) FS. Law Implemented 394.4573, 394.66, 394.74(3), 394.75, 394.76(2) FS. History--New 4-20-89, Formerly 10E-15.031, Repealed.

65E-15.032 Intensive Case Management Team Services.

Rulemaking Specific Authority 394.457(5), 394.78(1) FS. Law Implemented 394.4573, 394.66, 394.74(3) FS. History--New 11-17-93, Formerly 10E-15.032, Repealed.

65E-15.041 Case Status.

Rulemaking Specific Authority 394.457, 394.78(1) FS. Law Implemented 394.4573, 394.66, 394.74(3) FS. History--New 4-20-89, Amended 6-9-96, Formerly 10E-15.041, Repealed.

65E-15.051 Case Management.

Rulemaking Specific Authority 394.457(5), 394.78(1), 916.20(1) FS. Law Implemented 394.4573(1), 394.66, 394.74(3), 394.75, 916.17(2) FS. History--New 4-20-89, Amended 11-17-93, 6-9-96, Formerly 10E-15.051, Repealed.

65E-15.071 State Treatment Facility and Case Management Activities.

Rulemaking Specific Authority 394.457 FS. Law Implemented 394.4573 FS. History–New 4-20-89, Amended 6-9-96, Formerly 10E-15.071, Repealed.

65E-15.081 Case Management Record.

Rulemaking Specific Authority 394.457(5), 394.78(1) FS. Law Implemented 394.4573(2), 394.66, 394.75, 394.78 FS. History–New 4-20-89, Amended 6-9-96, Formerly 10E-15.081, Repealed.

65E-15.111 Systems Management.

Rulemaking Specific Authority 394.457(2), 394.78(1) FS. Law Implemented 394.4573, 394.66, 394.907 FS. History–New 4-20-89, Formerly 10E-15.111, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wanda Carter, Office of Substance Abuse and Mental Health, Department of Children and Families, 1317 Winewood BLVD, Building 6, Room 259, Tallahassee, FL 32399-0700, wanda.carter1@myflfamilies.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Carroll, Secretary, Department of Children and Families

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2015

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-20.0021	Procedures for Filing Claim
69I-20.0022	Proof of Ownership and Entitlement to Unclaimed Property
69I-20.030	Definitions
69I-20.034	Report of Property Presumed Abandoned
69I-20.038	Late Annual Report(s), Late Payment(s), and Late Delivery of Abandoned Property
69I-20.040	Written Notice
69I-20.041	Unclaimed Property Reporting Instructions.

PURPOSE AND EFFECT: The proposed amendments will update and clarify the requirements for reporting and remitting unclaimed property to the Department and add procedures to allow the submission of electronic claims for unclaimed property.

SUMMARY: Rule 69I-20.0021, F.A.C., adds procedures to allow the submission of electronic claims for unclaimed property. Rule 69I-20.0022, F.A.C., allows the Department to use an identity authentication service to verify the claimant’s identity for certain submitted claims. Rule 69I-20.030, F.A.C., updates and adds definitions. Rule 69I-20.034, F.A.C., requires holders reporting 25 or more apparent owners to file an electronic report through the Department’s Holder Reporting Online System; and requires holders reporting less

than 25 apparent owners to file a report of unclaimed property using the manual input option or the electronic report format on the Department’s Holder Reporting Online System. Rule 69I-20.038, F.A.C., requires a written request for an extension of time to file an unclaimed property report be postmarked or filed with the Department by April 30th of the subsequent calendar year. Rule 69I-20.040, F.A.C., specifies the information that should be included in the due diligence written notice to apparent property owners. Rule 69I-20.041, F.A.C., incorporates the most recent version of the Florida Unclaimed Property Reporting Instructions Manual.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the potential impact of the proposed rule and determined that there will be no adverse economic impact or regulatory increases that would 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: 717.117(1), 717.119(5), 717.124, 717.138 FS.

LAW IMPLEMENTED: 668.50, 717.101, 717.102, 717.103, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.1125, 717.113, 717.115, 717.116, 717.117, 717.119, 717.1201, 717.122, 717.124, 717.1241, 717.1315, 717.1322, 717.135, 717.1351, 717.138, 717.139, 717.1400, 732.103, 733.103, 733.815, 735.301 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: January 7, 2016, 10:00 a.m.

PLACE: Room B103, Fletcher Building, 101 E. Gaines Street, Tallahassee, FL

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: Phillip Carlton, telephone: (850)413-5570, email: Phillip.Carlton@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phillip Carlton, Assistant Chief, address: Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, FL 32399-0358, telephone: (850)413-5570, email: Phillip.Carlton@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-20.0021 Procedures for Filing Claim.

(1) Claims Submission. Claims for unclaimed property in the custody of the Department, ~~pursuant to Chapter 717, F.S.,~~ shall be submitted to the Department on the form(s) prescribed and supplied by the Department, together with documentation proving entitlement to the unclaimed property. All forms referenced in this rule are available from and shall be submitted to: The Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358, or email at www.fltreasurehunt.org.

(a) No change.

(b) A complete paper format claim shall include the correct claim form identified in this rule, fully completed with all blanks filled in and manually signed and dated by all claimants or the Claimants' Representative, proof of entitlement, and all supporting documentation as described and required by this rule, and Rule 69I-20.0022, F.A.C. A complete electronic format claim, as authorized by subsection 717.124(7), F.S., shall include the correct claim form identified in this rule, fully completed with all blanks filled in and include an electronic signature as authorized by Chapter 668, F.S., and be dated by all claimants, proof of entitlement, and all supporting documentation as described and required by this rule and Rule 69I-20.0022, F.A.C.

(c) No change.

(d) Incomplete claims delivered in paper format to the Department will be returned to the claimant with a notice describing the additional documentation that must be submitted to make the claim complete. Incomplete claims submitted in an electronic format to the Department will default to a manual review by the Department. If the Department determines in its manual review that the claim is complete, it shall approve the claim. If the Department determines in its manual review that the claim is incomplete, a notice describing the additional documentation that must be submitted to make the claim complete shall be sent to the claimant. The notices are Form DFS-UP-106a, Unclaimed

Property Request for Further Information (Claim Filed by Apparent Owner), Form DFS-UP-106b, Unclaimed Property Request for Further Information (Claim Filed by a Business), Form DFS-UP-107a, Unclaimed Property Request for Further Information (Claim Filed by Other Than the Apparent Owner), and Form DFS-UP-108a, Unclaimed Property Request for Further Information (Claim Filed by Claimant's Representative on Behalf of the Claimant), which are hereby incorporated by reference, effective 1-3-05.

(e) No change.

(2) through (3) No change.

(4) Claims Filed by Apparent Owner, (including Corporations).

(a) No change.

(b) Form DFS-UP-106 shall be ~~manually~~ signed and dated by the claimant, ~~and accompanied by the following: Forms submitted in paper format shall be manually signed and dated by the claimant. Forms submitted via the electronic claims process authorized by subsection 717.124(7), F.S., shall include an electronic signature and be dated by the claimant at the time the claim is created and filed.~~

(c) Form DFS-UP-106 shall be accompanied by the following:

1. through 2. No change.

(5) through (10) No change.

Rulemaking Authority ~~717.124, 717.138 FS. Law Implemented 92.525, 668.50, 717.1201, 717.124, 717.12403, 717.12404, 717.12405, 717.1242, 717.1243, 717.125, 717.126, 717.1261, 717.1262, 717.135, 717.1351, 717.139 FS. History—New 3-20-91, Amended 3-13-96, 3-18-96, 1-18-99, 1-5-00, 4-16-02, Formerly 3D-20.0021, Amended 1-3-05, 6-17-15,~~

69I-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) No change.

(2)(a) ~~All Any and all~~ persons claiming an interest in unclaimed property in the possession of the Department shall provide to the Department ~~file with the claimant's first name, last name, address and Department~~ a copy of a valid driver's license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver's license at the time the original claim form is filed, the Department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States or a foreign nation, a state or territory of the United States or foreign nation, or a political subdivision or agency thereof. In lieu of filing a copy of a government issued photographic identification of the claimant with the claim, the claimant or the Claimant's Representative may file Form DFS-A4-2007, Notarized Sworn Statement of the Claimant, which has been accurately completed in full, executed by the claimant and the notary. This form is incorporated by

reference effective 10-13-10 and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. The notarized sworn statement must accurately affirm the claimant's identity and state the claimant's address. ~~This subsection shall not apply to any person who is acting as a Claimant's Representative.~~

(b) No change.

(c) For claims electronically submitted for \$1,000 or less, the Department may use an identity authentication service in lieu of a copy of the driver's license, government-issued identification, or notarized sworn statement of the claimant to verify the claimant's identity, as authorized by subsection 717.124(7), F.S.

(3) through (5) No change.

Rulemaking Authority 717.124, 717.138 FS. Law Implemented 92.525, 117.05, ~~668.50~~, 717.124, 717.12403, 717.12404, 717.12405, 717.1242, 717.1243, 717.126, 717.1261, 717.1262, 717.139, 732.102, 732.103, 733.103, 733.815, 735.301 FS. History—New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, Formerly 3D-20.0022, Amended 1-3-05, 10-13-10, _____.

69I-20.030 Definitions.

As used in this rule chapter ~~these rules~~.

(1) The definitions provided in Section 717.101, F.S., shall also apply to this rule chapter ~~these rules~~.

(2) through (5) No change.

(6) "Inactive status" means the holder is not required to file a report of unclaimed property ~~presumed abandoned~~ with the Department on an annual basis.

(7) "Report of unclaimed property ~~property presumed abandoned~~" means a report that complies with all the requirements of Sections 717.101 through 717.117 and 717.119, F.S., created in accordance with the Department's prescribed format and filed through the Department's Holder Reporting Online System completed original set of reporting forms by the holder consisting of Forms DFS UP 111, 121, 128, and 129 which discloses the amount of unclaimed property, apparent owner(s), last known address, social security number or federal employer identification number, property type, and date of last contact or Form DFS-UP-111 with the specific owner information in an electronic medium.

(8) "Zero report" means a report of unclaimed property that has a zero value due to the reporting entity having no unclaimed property for the reporting period.

(8) renumbered as (9) No change.

(9) renumbered as (10) No change.

(10) renumbered as (11) No change.

(12)(14) "Electronic medium," for purposes of subsection Section 717.117(1), F.S., means the Holder Reporting Online System, which is a report filing portal available on the Bureau

of Unclaimed Property's website 3.5-inch Diskette or CD-ROM.

(13)(12) "Auction fees, preparation costs, and expenses," for purposes of subsection Section 717.122(1), F.S., means appraiser and contractor fees, catalogue fees, and travel expenses.

(14) "Claimant" means any person, as defined by subsection 1.01(3), F.S., excluding another state, asserting an interest in any portion of any property paid or delivered to the Department on whose behalf a claim is filed.

(15) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(16) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(17) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(18) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including public records as defined in section 119.011, F.S.

Rulemaking Authority 717.117(1), 717.124, 717.138 FS. Law Implemented 668.50(2), 717.101, 717.102(4), 717.103, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.1125, 717.113, 717.115, 717.116, 717.117, 717.119, 717.1201(7), 717.122, 717.124, 717.1241, 717.1315, 717.1322(5), 717.135, 717.1351, 717.138, 717.139, 717.1400, 731.201, 736.0103 FS. History—New 6-23-91, Amended 1-28-97, 4-16-02, Formerly 3D-20.030, Amended 1-3-05, _____.

69I-20.034 Report of Unclaimed Property Presumed Abandoned.

(1) The Department has established the Holder Reporting Online System that can be securely used by all holders to report unclaimed property to the Bureau of Unclaimed Property. The Holder Reporting Online System can be accessed at the Department's website.

(2) (4) All persons subject to the Florida Disposition of Unclaimed Property Act this act shall file a report of unclaimed property presumed abandoned with the Department, pursuant to Section 717.117, F.S., upon becoming subject to the filing requirement of Chapter 717, F.S., and each year thereafter, including zero reports, where applicable, unless:

(a) Written justification has been received from a holder by the Department stating, but not limited to, the following reasons:

1. The holder is filing a complete and accurate report with another state that has adopted the current National Association

of Unclaimed Property Administrators (NAUPA) Reciprocity/Exchange guidelines which has a valid reciprocal agreement with the Department;

2. The holder is located outside Florida and does not conduct business in Florida in its day-to-day operations; or

3. The holder maintains a fiduciary relationship with its clients such as real estate brokers and attorneys and does not, as a normal course of business, maintain unclaimed property; or

4. The holder lacks access to the Internet at the holder's place of business as demonstrated in a writing submitted to the Department, and the Department subsequently prescribes an alternative medium to file the unclaimed property report for the report year.

(b) Upon receipt of a written request, the Department after a review may place the holder in an inactive status.

~~(3)(2) Holders reporting 25 or more apparent owners shall file a report of unclaimed property using the electronic report format option on the Department's Holder Reporting Online System. In lieu of a report on the Departmental forms, a letter attesting or a data file stating that no unclaimed property is being held by the holder is acceptable. If a letter is used, the letter must be signed by an officer of a private corporation or unincorporated association, a partner of a partnership or by its Chief Financial Officer if it is a public corporation. The letter or data file must contain the following information: name of the entity, mailing address, name of contact person, telephone and fax number of the contact person, Internet address (if available), federal employer identification number of the entity and the amount of unclaimed property being reported as zero.~~

~~(4)(3) Holders reporting less than 25 apparent owners shall file a report of unclaimed property using the manual input option or the electronic report format option on the Department's Holder Reporting Online System. In lieu of Forms DFS UP 121, DFS UP 128, and DFS UP 129, holders reporting more than twenty five owners shall file on an electronic medium in the format prescribed by the Department. A completed Form DFS UP 111 shall accompany the electronic report.~~

~~(4) Every holder holding funds or other property, tangible or intangible, presumed abandoned and subject to Chapter 717, F.S., for twenty five or less owners may report to the Department on original forms titled:~~

~~(a) "COVER SHEET FOR ANNUAL REPORT OF PROPERTY PRESUMED ABANDONED", Form Number DFS UP 111, revised 2-12-97.~~

~~(b) "ANNUAL REPORT OF PROPERTY PRESUMED ABANDONED FOR CASH ITEMS NOT REPORTABLE IN AGGREGATE", Form Number DFS UP 121, revised 2-12-97.~~

~~(c) "ANNUAL REPORT OF PROPERTY PRESUMED ABANDONED FOR SAFE DEPOSIT BOXES OR OTHER SAFEKEEPING REPOSITORY", Form Number DFS UP 129, revised 2-12-97.~~

~~(d) "ANNUAL REPORT OF PROPERTY PRESUMED ABANDONED FOR SECURITIES THAT CANNOT BE LIQUIDATED", Form Number DFS UP 128, revised 2-12-97.~~

~~(5) All forms referenced herein are hereby incorporated by reference and available from the Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.~~

~~(5) (6) The report of unclaimed property presumed abandoned shall be considered filed only upon receipt of both the funds and the electronic report or the manual input actual report filed through the Department's Holder Reporting Online System, whether it be on forms or via electronic medium.~~

~~(6) Non-compliant reports will be returned to the holder. Rulemaking Authority 717.117(1),(2)(g), 717.138 FS. Law Implemented 717.117, 717.119, 717.134, 717.138 FS. History-New 6-23-91, Amended 8-29-94, 2-12-97, Formerly 3D-20.034, Amended _____.~~

69I-20.038 Late Annual Report(s), Late Payment(s), and Late Delivery of Unclaimed Property.

(1) through (2) No change.

(3) A written request for an extension of time to file an unclaimed property report for the prior calendar year must be postmarked or filed with the Department by April 30th of the subsequent calendar year. A written request that is not timely postmarked or filed shall be denied. If the ~~Upon~~ written request is timely postmarked or filed, the Department may ~~shall~~ postpone the reporting date or extend the property delivery date for a period of up to sixty (60) days for, but not limited to, the following reasons:

(a) through (d) No change.

(4) through (6) No change.

Rulemaking Authority 717.119(5), 717.138 FS. Law Implemented 717.117, 717.119, 717.134 FS. History-New 6-23-91, Amended 8-29-94, 1-28-97, Formerly 3D-20.038, Amended _____.

69I-20.040 Written Notice.

All holders in possession of property presumed unclaimed having a value of \$50.00 or more shall give notice to the apparent owner in accordance with Section 717.117(4), F.S. The notice shall, at a minimum, meet the following criteria:

(1) The account must be identified as inactive and subject to reporting and remittance to the Department as provided by Sections 717.101 through 717.117 and 717.119, F.S.

(2) The property value must be clearly stated on the notice.

(3) The notice must include a reasonable description of the property sufficient to inform the property owner of the nature of the unclaimed property and the property identifier assigned by the holder to the account.

(4) The notice must include a telephone number and mailing address of the holder from which additional information concerning the property is available.

Rulemaking Authority 717.138 FS. Law Implemented 717.101, 717.102, 717.102, 717.1035, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 171.109, 717.1101, 717.111, 717.112, 717.1125, 717.113, 717.115, 717.116, 717.117(4), 717.119 FS. History—New 6-23-91, Amended 8-29-94, 1-28-97, 4-16-02, Formerly 3D-20.040, Amended _____.

69I-20.041 Unclaimed Property Reporting Instructions.

The Department’s mission is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging holders businesses (“Holders”) inside and outside the State of Florida that are in possession of unclaimed property to comply with Florida’s unclaimed property law. When reporting and remitting unclaimed property to the Department, holders must follow the procedures in Form DFS-A4-1992, Florida Unclaimed Property Reporting Instructions Manual, revised 7-1-15 effective 5-3-10, which is hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property’s website, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Rulemaking Authority 717.117(1), 717.138 FS. Law Implemented 717.101, 717.102, 717.103, 717.1035, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.1125, 717.113, 717.115, 717.116, 717.117, 717.119, 717.129, 717.1311, 717.134, 717.138 FS. History—New 5-3-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phillip Carlton, Assistant Chief, Bureau of Unclaimed Property

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 14, 2015 and September 15, 2015

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NOS. RULE TITLES:
 73C-23.0041 Application Process - General Information
 73C-23.0051 Grant Administration and Project Implementation

PURPOSE AND EFFECT: This rulemaking will address changes to federal regulations that affect the program and provide technical cleanup to the recent rule revision including edits to the forms.

SUMMARY: The rule covers the application process for Community Development Block Grant funds; the citizen participation requirements that must be met; and the administrative requirements of subgrants, including program implementation, procurement, audit and reporting requirements, and modifying and closing out subgrant agreements.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency has performed a review of the statutory requirements and has determined that its proposed rules 73C-23.0041, F.A.C. and 73C-23.0051, F.A.C., have no adverse impact or regulatory costs which exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The rules are therefore expected be able to take effect without the need of being ratified by the Legislature.

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: 290.044, 290.046, 290.047, 290.048 FS.

LAW IMPLEMENTED: 290.044, 290.046, 290.047, 290.0475 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: Michael Golen, Office of General Counsel, Department of Economic Opportunity, 107 East

Madison Street, MSC 110, Tallahassee, Florida 32399, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

73C-23.0041 Application Process – General Information.

(1) through (2). No change.

(3)(a) through (b). No change.

(c) The funding limit for Economic Development subgrants shall be based on the number of jobs to be created or retained by the participating parties. The maximum subgrant amount shall be \$1,500,000. No more than \$34,999 may be requested for each full time equivalent job to be created or retained.

(d) No change.

(4) No change.

(5)(a) through (b). No change.

(c) Citizen participation shall include the following:

1. At least one public hearing shall be held within the 12 month period prior to the date that the application cycle closes to obtain citizens’ views regarding community development needs prior to an Application for Funding being drafted. This shall be known as the First Public Hearing. A public notice shall be published in a local newspaper at least five days and no more than 20 days before the day of the hearing as defined in subsection 73C-23.0031(45), F.A.C. of this rule. The notice shall include the federal fiscal year (FFY) for which an application is being considered, the range of activities that may be undertaken with CDBG funding and the amount for which the community can apply.

The public hearing must be conducted by a member of the governing body of the applying local government or by a duly authorized employee of that local government at a time and location convenient to potential beneficiaries. Citizens shall be allowed to comment at the hearing as required by 24 CFR 570.486(a)(5), and the citizen input from this hearing should be considered when the application is being prepared. The local government must document all citizen participation at the hearing. If the documentation shows that the application was drafted prior to the First Public Hearing, the application shall be rejected

2.a. No change.

(I) through (III). No change.

(IV) For Neighborhood Revitalization, Commercial Revitalization and Economic Development projects, the specific locations of the proposed activities, including street names or road numbers (e.g., County Road 50).

The notice shall also state where and when, other than at the public hearing, a copy of the draft application will be available for citizen review and how citizens can submit written comments on the draft application. Failure to include

all of the required information in the public hearing notice shall result in the application being rejected as provided in Section 290.0475(6), F.S.

b. If the notice for the second public hearing is published before the first public hearing is conducted, the application shall be rejected.

~~c.~~ The public hearing on the draft application must be conducted within the 12 month period prior to the date that the application cycle closes by a member of the governing body of the Applicant or by a duly authorized employee of that local government at a time and location convenient to potential beneficiaries. This shall be known as the Second Public Hearing. Citizens shall be allowed to comment on the draft application at the hearing, and the citizen input from this hearing should be considered before the application is finalized and submitted to the Department. The local government must document all citizen participation at the hearing.

~~d.~~ Copies of the public notices, affidavits of publication, certified minutes and sign-in sheets/speaker cards for both public hearings shall be included in Part 9, Appendix D, of the Application for Funding, Form SC-60, which is further described in paragraph (6)(a) below. The application shall be rejected if the affidavit of publication or certified minutes for either public hearing are not provided by the end of the Completeness Period.

(d)(1) through (2). No change.

3. The CATF shall conduct at least one meeting prior to an Application for Funding being drafted and prior to the notice for the second public hearing being published to discuss community needs and to provide recommendations to the local governing body. The meeting shall be advertised in accordance with subsection 73C-23.0031(45), F.A.C. A minimum of 51% of the members must participate in the meeting.

If the Applicant is claiming points for having an active CATF, copies of the public notice, affidavit of publication, meeting minutes and sign-in sheet shall be included in Part 9, Appendix D, of the Application for Funding, Form SC-60, which is further described in paragraph (6)(a) below. If the affidavit is not available by the application deadline, it must be provided by the end of the “completeness period” to retain the points.

(6) Applications.

(a) Application Form. The Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____; effective date: April 2015, which is hereby adopted and incorporated by reference. The application form has nine parts, and these parts include scoring guidelines and

documentation requirements for the CDBG application. Parts 1-9 of the application are available for download on the Department's website: www.FloridaJobs.org/CDBGApplicantInfo. Copies of the electronic form will be made available upon request by contacting the Department by email at cdbg@deo.myflorida.com.

(b) No change.

1. One application in either ~~Either~~ Housing Rehabilitation, Neighborhood Revitalization or Commercial Revitalization. If an Applicant submits more than one ~~an~~ Application for Funding in ~~more than one~~ of these categories, only the first application logged in by the Department will be scored. The other application(s) will be rejected; and,

2. One application in Economic Development. If an Economic Development application is rejected or withdrawn, the local government can submit another Economic Development application. A maximum of three Economic Development applications can be submitted during a funding cycle.

(c) through (h). No change.

(7)(a) through (b)1. No change.

2. Random Sample Survey Methodology – A sample-based survey of the beneficiaries must use the Household Income Certification Form, Form SC-49, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05340>; effective date: April, 2015, which is hereby adopted and incorporated by reference, and also is available on the CDBG website: www.FloridaJobs.org/CDBGApplicantInfo.com. The survey methodology must correspond with the random sampling requirements established by HUD in Notice CPD-14-013, issued on September 23, 2014, and which can be found at: www.FloridaJobs.org/CDBGApplicantInfo.com, incorporated herein by reference. The survey methodology must include a confidence level of 95%.

a. through c. No change.

3. through 7. No change.

(8) through (13). No change.

Rulemaking Authority 290.044, 290.046, 290.047, 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Amended 2-26-07, 6-6-10, Formerly 9B-43.0041, Amended 4-21-15, _____.

73C-23.0051 Grant Administration and Project Implementation.

(1) Financial Management.

(a) CDBG subgrant Recipients shall establish a financial management system for administering subgrant funds that complies with Section 218.33, F.S., and 2 CFR 200.302 ~~24 CFR 85.20~~, as incorporated in Rule 73C-23.0031, F.A.C. ~~The system must address the following:~~

~~1. Financial reporting;~~

~~2. Accounting records;~~

~~3. Internal control;~~

~~4. Budget control;~~

~~5. Allowable cost;~~

~~6. Source documentation; and;~~

~~7. Cash management.~~

(b) through (d). No change.

(e) If a Recipient needs to remit funds to the Department, including reimbursement of grant funds, program income or interest income paid on CDBG funds, it shall submit a copy of the Return of Funds Form, DEO Form SC-68, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____; effective date: _____, which is hereby adopted and incorporated by reference.

(2) No change.

(3) Procurement.

(a) Procurement Policy. Each subgrant Recipient shall adopt a local CDBG Procurement Policy that complies with the provisions of 2 CFR 200.317 – 200.326 ~~24 CFR section 85.36~~, as incorporated in Rule 73C-23.0031, F.A.C. For covered professional services contracts, the policy shall also comply with Section 287.055, F.S. (Consultants Competitive Negotiation Act).

1. No change.

2. The Recipient shall submit procurements being paid with CDBG funds to the Department for desk monitoring. Submission shall be made in accordance with the requirements outlined in the Recipient's subgrant agreement. ~~The following forms shall be included with construction procurement documentation:~~

~~a. Bidding Information and Contractor Eligibility, DEO Form _____ SC 51, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05342>; effective date: April, 2015, which is hereby adopted and incorporated by reference;~~

~~b. Certification Regarding Debarment, Suspension, and Other Responsibility Matters (Primary Covered Transactions). DEO _____ Form _____ SC 37, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05335>; effective date: April, 2015, which is hereby adopted and incorporated by reference; and;~~

~~c. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (Subcontractor), DEO Form _____ SC 38, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05336>; effective date: April, 2015, which is hereby adopted and incorporated by reference.~~

3. No firm shall be precluded from submitting a bid or proposal for any work funded partially or wholly with CDBG funds based on a minimum experience requirement. A firm's experience can be addressed as an evaluation factor in the

ranking for professional services and is a consideration in determining the “responsibility” of a firm when the determining the “low, responsive, responsible bidder” for services procured through bids, as required by 2 CFR section 200.319(a).

(b) Public Notice. Professional services. Any procurement which requires public notice in a newspaper based on the local CDBG procurement policy, shall be published in a newspaper of general circulation in the county where the Recipient is located. The following public notice criteria apply for the procurement process to be approved:

1. through 3. No change.

4. The procurement policy shall require at least 12 days for receipt of the proposals or bids after the date of publishing. For construction activities, the policy shall conform to Section 255.0525, F.S. with regard to the numbers of days between publishing the notice and bid opening.

5. Nothing in paragraphs (3)(b)1., 2., or 3. shall preclude a local government from using other media to solicit bids related to procurement of professional services and construction activities.

~~(c) Construction. Public notice for construction procurement shall conform to Section 255.0525, F.S. If fewer than three responsible and responsive bids are received and the notice was not published in a MSA newspaper as described in subparagraph (3)(b)1. above, the procurement must be readvertised.~~

~~1. Prior to procuring construction activities, the Recipient shall request a wage decision for each funded activity that is covered by the Davis Bacon Act, which is available at www.dol.gov/whd/regs/statutes/dbra.htm, using the Wage Decision Request, DEO Form SC 56, http://www.flrules.org/Gateway/reference.asp?No=Ref_05347; effective date: April, 2015, which is hereby adopted and incorporated by reference.~~

~~(d) Nothing in paragraphs (3)(b) or (c) shall preclude a local government from using other media to solicit bids related to procurement of professional services and construction activities.~~

~~(e) The Department must provide written approval prior to the Recipient awarding any contract exceeding \$25,000 resulting from a single source, a sole source, or a non-competitive procurement. For contracts below \$25,000, the Recipient’s files must document the justification for the procurement which complies with 24 CFR 85.36(b)(4).~~

~~If prior written approval is not obtained, the Department has no obligation to fund the contract unless the Department subsequently approves the procurement. Cost analysis is required for single and sole source contracts to comply with 24 CFR 85.36(f) and establish the reasonableness of the price even if competitive procurement was used.~~

(c) Professional Services.

1. A separate professional services contract must be procured and executed between the local government and any professional services consultant for each CDBG subgrant, except as provided in paragraph (3) below. Each advertisement for procurement of CDBG professional services, except for application preparation, must identify either the CDBG funding cycle or the CDBG subgrant number. In the absence of any identifier, the procurement will be presumed to be for the CDBG funding cycle closest to the publication date of the advertisement or, if there is no advertisement, the date of receipt for proposals.

2.(f) In procuring services for subgrant administration, the Recipient Recipients shall publish a Request for Proposals that includes all of the criteria that will be used to evaluate and score the proposals. Any firm that assists the Recipient in developing or drafting criteria used in the Request for Proposals shall be excluded from competing for the procurement as required by 2 CFR 200.319(a). The Recipient does not have publish a Request for Proposals if it decides to use its Regional Planning Council for subgrant administration. evaluate in writing any economies of scale or other means of securing efficiency that may be available as a result of the type, number and geographic distribution of subgrants to be administered by the Recipient or by a prospective subgrant administrator.

3.(g) Under Section 290.047(5), F.S., a local government is permitted to contract with the same entity for more than one service, provided that the local government can document that the entity is either (i) the sole source or (ii) was determined, through the Request for Proposals process, to be the proposer most advantageous to the local government. Different services, such as, program administration, and engineering services, shall not be combined in a single contract except for design-build contracts procured in accordance with Section 287.055, F.S. If separate procurements result in one firm selected for application and administration services, those services may be combined into one contract provided there are separate scopes of work and a separate fee for each service.

4.(h) All contracts for professional services shall conform to the following:

a.1- Any Request for Proposals which includes more than one service shall provide that:

i)a- Proposals may be submitted for one or more of the services;

ii)b- Qualifications and proposals shall be separately stated for each service; and,

iii)e- The evaluation of the proposals shall be separate for each service.

b.2- A written evaluation, such as a ranking sheet or narrative, shall be prepared for each proposal, ranking or

comparing each proposal to the criteria in the published Request for Proposals. Based on those criteria, the written evaluation will document why the successful proposal was selected.

~~3. A separate professional services contract must be procured and executed between the local government and any professional services consultant for each CDBG subgrant, except as provided in paragraph (3)(i) below. Each advertisement for procurement of CDBG professional services, except for application preparation, must identify either the CDBG funding cycle by federal fiscal year or the CDBG subgrant number. In the absence of any identifier, the procurement will be presumed to be for the CDBG funding cycle closest to the publication date of the advertisement or, if there is no advertisement, the date of receipt for proposals.~~

~~5.4. Each professional services contract must identify the CDBG contract number to which it is applicable.~~

~~5. No firm shall be precluded from submitting a bid or proposal for any work funded partially or wholly with CDBG funds based on a minimum experience requirement. A firm's experience can be addressed as an evaluation factor in the ranking for professional services and is a consideration in determining the "responsibility" of a firm when determining the "low, responsive, responsible bidder" for services procurement through bids, as required by 24 CFR 85.36(d)(2)(ii)(D).~~

~~6.(i) Engineering and Administration Services.~~

~~a.1. If the procurement for administration or engineering services for a subgrant initially funded only for planning and design was accepted by the Department and the public notice or Request for Proposals stated that the firm awarded a contract for planning and design services would also, at the discretion of the local government, provide additional services during project construction, then a procurement for those services during construction is not required. If the Request for Proposals specifically included services during construction in the scope of work, then no additional procurement is required for those services.~~

~~b.2. A Recipient whose application received "Readiness to Proceed" points may use the design engineer for services during construction if the Department determines that the procurement for design services was competitive and the Request for Proposals specifically included services during construction in the scope of work.~~

~~(d)(j) Construction Contracts.~~

~~1. Prior to procuring construction activities, the Recipient shall request a wage decision for each funded activity that is covered by the Davis-Bacon Act, which is available at www.dol.gov/whd/regs/statutes/dbra.htm, using the Wage Decision Request, DEO Form SC-56, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05347>;~~

effective date: April, 2015, which is hereby adopted and incorporated by reference.

2. If fewer than three responsible and responsive bids are received and the notice was not published in a MSA newspaper as described in subparagraph (3)(b) above, the procurement must be readvertised.

~~3.1. If CDBG and other sources of funding are jointly used to fund activities under a single contract, the activities to be paid for with CDBG funds must be shown separately so that the bid proposal identifies the CDBG activities and the amount of a contract to be paid from CDBG.~~

~~4.2. If after applying any specified deductive alternates, construction bids exceed available funds, the local government shall not negotiate with the low bidder unless there is only one bidder or unless all bidders are allowed to submit revised bids for the revised project. If the construction cost can be reduced by deleting entire bid line items or reducing quantities based on unit prices identified in the bid, the effect of such deletions or reduction on all bidders' prices shall be determined. Contract award shall be made to the low, responsive and responsible bidder for the revised project.~~

~~5.3. All contracts in excess of \$100,000 covered by Section 3 regulations shall contain the language required in 24 CFR 135.38, incorporated by reference in Rule 73C-23.0031, F.A.C., and in CDBG Supplemental Conditions for Construction Contracts, DEO Form SC-66, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05353>; effective date: April, 2015, which is hereby adopted and incorporated by reference.~~

~~6.4. The Recipient shall have all contractors and subcontractors complete all of the following Forms that are applicable:~~

~~a. Through c. No change.~~

~~7.5. All contracts in excess of the Simplified Acquisition Threshold as listed in 2 CFR 200.88, which can be found at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-subtitleA-chapII.xml>, \$100,000 shall include the following:~~

~~a. Through b. No change.~~

~~8.6. All contracts shall include liquidated damages clause establishing a predetermined amount that must be paid if the contractor fails to perform as promised.~~

~~9. The following forms shall be included with construction procurement documentation:~~

~~a. Bidding Information and Contractor Eligibility, DEO Form SC-51, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05342>; effective date: April, 2015, which is hereby adopted and incorporated by reference;~~

~~b. Certification Regarding Debarment, Suspension, and Other Responsibility Matters (Primary Covered Transactions).~~

DEO Form SC-37,
<http://www.flrules.org/Gateway/reference.asp?No=Ref-05335>;
 effective date: April, 2015, which is hereby adopted and
 incorporated by reference; and,

c. Certification Regarding Debarment, Suspension,
 Ineligibility and Voluntary Exclusion (Subcontractor), DEO
 Form SC-38,
<http://www.flrules.org/Gateway/reference.asp?No=Ref-05336>;
 effective date: April, 2015, which is hereby adopted and
 incorporated by reference.

10.7- If it is determined that the Davis-Bacon Act wage
 decision that was previously obtained from the Department
 does not contain a job classification needed to complete a
 construction activity, the Recipient shall request an additional
 classification using the following forms:

a. through b. No change.

(e)(k) The provisions of this subsection shall not be
 construed to conflict with or supersede the requirements of
 Section 287.055, F.S., or any other applicable State or federal
 law.

(4) through (5). No change.

(6) Performance.

(a) Reporting. The local government shall provide the
 Department with:

1. By the dates listed in the Subgrant Agreement, a
 Quarterly Progress Report, DEO Form SC-65,
http://www.flrules.org/Gateway/reference.asp?No=Ref-_____;
 effective date: _____ April, 2015, which is hereby adopted
 and incorporated by reference.

2. through 4. No change.

(b) through (c). No change.

(d) Remedies. When the Department determines on the
 basis of a review of the Recipient's performance that the terms
 of the subgrant are not being met, the Department shall:

1. Initiate actions as prescribed in the subgrant agreement,
~~in 24 CFR Part 570.910(b), "Corrective and Remedial
 Actions" and 24 CFR Part 570.911, "Reduction, withdrawal,
 or adjustment of grant or other appropriate action," as
 incorporated in Rule 73C-23.0031, F.A.C.~~

2. No change.

(e) No change.

(7) through (12). No change.

Rulemaking Authority 290.048 FS. Law Implemented 290.044,
 290.046, 290.047, 290.0475 FS. History--New 5-23-06, Amended 2-
 26-07, 6-6-10, Formerly 9B-43.0051, Amended 4-21-15,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Michael Golen, Office of General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Jesse Panuccio

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 4, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: 6/19/2015

Section III Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-11.019: Reports

NOTICE OF CHANGE

Notice is hereby given that the following changes have been
 made to the proposed rule in accordance with subparagraph
 120.54(3)(d)1., F.S., published in Vol. 41 No. 194, October 6,
 2015 issue of the Florida Administrative Register.

The following sections of the proposed rule will be changed to
 read:

59A-11.019 Reports.

(1) If inflammation or unnatural discharge in the eyes of
 the newborn is observed within two weeks after birth, it shall
 be reported to the local health officer or licensed physician
 within six hours of discovery. A record shall be maintained by
 the birth center and available upon request by the Agency.

(2) The laboratory reports on the serological test shall be
 reported in accordance with Chapter ~~383 384~~, F.S. It shall be
 noted on the form that this was a pregnancy test. A record
 shall be maintained by the birth center and available upon
 request by the Agency.

(3) Metabolic screening tests shall be reported to the
 Department of Health, Office of Vital Statistics, pursuant to
 Section 383.14, F.S., and rules promulgated thereunder. A
 record shall be maintained by the birth center and available
 upon request by the Agency.

(4) Each birth center shall submit a Birth Center Annual
 Report on AHCA Form 3130-3004, February 2015, which is
 incorporated by reference. The form is available at:
<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
 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>. The report
 shall include a summary of client information for the period
 from July 1 of the previous year to June 30 of the current year.
 The report shall be due July 30th each year.

Rulemaking Authority 383.309, ~~408.819~~ FS. Law Implemented
 383.06, 383.11, 383.14, 383.327, FS. History--New 3-4-85, Formerly
 10D-90.19, 10D-90.019, Amended 9-27-94, 2-12-96,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: RULE TITLE:
60A-1.044 State Term Contracts
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 203, October 19, 2015 issue of the Florida Administrative Register.

The following language is added to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification:

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: Repeal of this rule will have no economic impact.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-3.013 Distance Education Courses for Hardship Cases
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 221, November 13, 2015 issue of the Florida Administrative Register.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 23, 2015. The correction is as follows:

The “DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR” shall read correctly as July 16, 2015.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Executive Director, Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-5.018 Vacancies of Office
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 221, November 13, 2015 issue of the Florida Administrative Register.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 23, 2015. The correction is as follows:

The “DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR” shall read correctly as July 16, 2015.

In 61J2-5.018(4), reference to subparagraph “ 61J2-5.015” will be corrected to read as “61J2-5.012.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Executive Director, Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NOS.: RULE TITLES:
64B17-6.0044 Medical Records of Physical Therapists or Physical Therapist Assistants Relocating or Terminating Practice
64B17-6.005 Costs of Duplicating Medical Records
NOTICE OF PUBLIC HEARING

The Board of Physical Therapy Practice announces a hearing regarding the above rule, as noticed in Vol. 41 No. 186, September 24, 2015 Florida Administrative Register.

DATE AND TIME: February 4, 2016, 6:00 p.m.

PLACE: Rosen Plaza, 9700 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Repeal of the rules

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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NOS.: RULE TITLES:
64K-1.003 Accessing Database
64K-1.004 Management and Operation of Database
64K-1.005 Privacy of Information
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 156, August 12, 2015 issue of the Florida Administrative Register.

The changes are in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated October 8, 2015.

64K-1.003 Accessing Database.

(1) Pharmacists, prescribers and dispensers licensed in Florida may directly access the information in the program database by registering on the E-FORCSE® secure web portal at <https://flpdmp-phreg.hidinc.com> using the temporary user name “newacct” and temporary password “welcome”. A written request may be submitted to the program manager if information must be received by alternate means. A pharmacist, prescriber or dispenser must review the “Training Guide for Florida Practitioners and Pharmacists”, DH8009-PDMP, effective 01/2015, which is incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-#####> prior to registering. Certification of this review is required before registration can be completed. A permanent user name and password will be emailed to the successful registrant. Registration denials, stating the reason for denial, will be emailed to the unsuccessful registrant.

(2) Entities that do not have direct access to the database may request information from the program manager by having the agency head or designee execute an “Agency User Agreement”, DH8017-PDMP, effective 07/2015, incorporated herein by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####>. If approved, the program manager will execute and return the agreement to the agency.

(3) Each agency head or designee shall appoint an agency administrator with an “Agency Administrator Appointment Form”, DH8010-PDMP, effective 01/2015 07/2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####>. Approved administrators will be notified and provided instructions for appointing authorized users.

(4) Each agency administrator may appoint authorized users to request and receive information on behalf of the agency using an “Agency Authorized User Appointment Form, DH8015-PDMP DH8017-PDMP, effective 01/2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####>. Prior to appointment each authorized user must review the “Training Guide for Enforcement and Investigative Agencies”, DH8012-PDMP DH8011-PDMP, effective 01/2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####> and the “E-FORCSE Information Security and Privacy Training Course, effective 01/2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####>. Certification of these reviews this review is required before registration can be completed. The authorized user

~~must should~~ provide a printed ~~copies~~ copy of the ~~certifications from both courses certification~~ to the agency administrator who shall maintain them for the duration of the appointment and make them available for examination upon request of the program manager. Approved authorized users will be notified by email and provided with instructions for requesting and receiving information through the secure E-FORCSE web portal.

(5) An authorized user must have actual knowledge of an active investigation as defined by section 893.055(1)(h), F.S., statute prior to submitting a request and is prohibited from requesting information on behalf of another law enforcement agency or entity.

(6) through (8) No change.
 Rulemaking Authority, 893.055 FS. Law Implemented 893.055, 893.0551 FS. History—New 11-24-11, Amended _____.

64K-1.004 Management and Operation of Database.

(1) through (5) No change.

(6) Pharmacies that do not dispense controlled substances in or into this state must submit a “Notification of Exemption From Reporting”, DH8016-PDMP, effective 07/2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####>. Exemptions must be renewed on or before September 30 in even years on “Renewal of Notification of Exemption from Reporting Exemption—Renewal Form”, DH8018-PDMP, effective 07/2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####>. Pharmacies seeking to begin dispensing controlled substances must notify the program electronically and be removed from the exempt list prior to registering to report to the program database.

(7)(a) A patient, health care provider, prescriber, or dispenser may submit an electronic request to the program manager for the correction of erroneous information in the database. The request shall include:

1. A statement explaining in detail the error and the basis for the requested correction;
2. The precise change requested;
3. Documentation establishing the correct information;
4. The requester’s name, address, telephone number, and license number if licensed as a health care provider in Florida.

(7)(b) through (8) No change.
 Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History—New 11-24-11, Amended _____.

64K-1.005 Privacy of Controlled Substance Prescription Dispensing Information.

(1) through (4) No change.

(5) It is unlawful to access or request information for a prohibited purpose or to disclose or release confidential or

exempt information. Failure to comply with section 893.0551(5), F.S. may result in suspension of access to the database. The program manager will notify agency administrators of any alleged failure to comply. Agency administrators must investigate the alleged compliance failure and report its findings to the program manager immediately. Access privileges may be reinstated upon request in writing to the program manager who shall determine if the investigation is complete and reinstatement is appropriate. Prior to reinstatement the suspended user must submit proof of completion of the "E-FORCSE@ Information Security and Privacy Training Course", effective 01/2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-####>, within the last 30 days to the pProgram manager.

(6) through (8) No change.

Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History--New 11-24-11, Amended.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-27.00212 Maintenance of Officer Certification
NOTICE IS HEREBY GIVEN that on October 30, 2105, the Criminal Justice Standards and Training Commission, received a petition for a temporary 180 day waiver of Rule 11B-27.00212, F.A.C., by Nickinson Dominique. Petitioner wishes to waive that portion of the rule that states full-time, part-time, or auxiliary officers shall successfully complete 40 hours of continuing education or training every four years. The expiration date of an officer's mandatory retraining shall be June 30th of the fourth year following the officer's certification. Petitioner states that he is in the process of becoming employed by the City of Miami Gardens Police Department and that he is in the final stages of the hiring process. Petitioner states that strict application of the rule would result be unreasonable and create a substantial economic hardship because as he sponsored himself through the law enforcement academy. Petitioner states that the

purpose of Section 943.13, F.S. will be achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 4, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., and Paragraph 5-202.11(A), 2009 FDA Food Code, from Sergio's Cafeteria located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink in the bus boy station area.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

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

DATES AND TIMES: Wednesday, January 13, 2016, 1:00 p.m., Thursday, January 14, 2016, 8:30 a.m.; Friday, January 15, 2016, 8:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wednesday, January 13, 2016, 1:00 p.m.: Grandfather and Issue Files; Wednesday, January 13, 2016, 4:00 p.m.: Probable Cause Panel (portions may be closed to the public); Thursday,

January 14, 2016, 8:30 a.m.: Discipline and General Business; Friday, January 15, 2016, 8:30 a.m.: General Business.

A copy of the agenda may be obtained by contacting: The Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Department of Business and Professional Regulation, the Florida Building Commission, "THE COMMISSION", announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2015, 8:30 a.m.

PLACE: Hilton University of Florida Conference Center, 714 SW 34th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Building Commission will review and decide on Accessibility Waiver Applications, review and decide on requests for Declaratory Statements; and take up and consider other matters that appear on the Commission's agenda. Specifically, the Commission will address:

Accessibility Waiver Applications:

- a. Tavern on Tennessee, 1717 West Tennessee Street, Tallahassee;
- b. FloorMasters, Hwy 301, Wildwood;
- c. NYZ Apocalypse, 5250 International Drive, Orlando;
- d. Fidelity National Financial Hangar, 14601 Whirlwind Avenue, Jacksonville;
- e. Around the Clock Fitness, 935 North Beneva Road, Suite 501, Sarasota;
- f. The Mimosa Hotel Addition, 6525 Collins Avenue, Miami Beach;
- g. Sanibel Historical Museum and Village (Shore Haven Home), 950 Dunlop Road, Sanibel;

h. SJM By the Sea, LLC., 256 Commercial Boulevard, Lauderdale by the Sea.

Petitions for Declaratory Statement:

- a. DS 2015-109 by Robin Davies of Bracken Engineering
- b. DS 2015-113 by David Galassi of Marion County Building Safety Department
- c. DS2015-125 by Gary R. Beaumont of Beaumont Electric Co.
- d. DS2015-134 by Joseph Hetzel of Door & Access Systems Manufacturers Association International
- e. DS 2015-135 by Robin Davies of Bracken Engineering
- f. DS2015-136 by Julien Croteau.

A copy of the agenda may be obtained by contacting: Mr. Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, call (850)487-1824 or refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772 or call (850)487-1824, refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2016, 8:00 a.m.

PLACE: Buena Vista Suites, 8203 World Center Drive, Orlando, Florida 32821, (407)238-8035

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Board meeting.

A copy of the agenda may be obtained by contacting: Jennifer Wenhold, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Jennifer Wenhold at (850)245-4474 at least one week prior to the meeting.

DEPARTMENT OF HEALTH

Board of Dentistry

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

DATE AND TIME: February 19, 2016, 7:30 a.m.

PLACE: The Courtyard by Marriott, Bradenton Riverfront, 100 Riverfront Drive West, Bradenton, Florida 34205, (941)747-3727

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Jennifer Wenhold, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Jennifer Wenhold at (850)245-4474.

DEPARTMENT OF HEALTH

Board of Psychology

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

DATES AND TIMES: January 19, 2016, March 22, 2016, May 24, 2016, July 19, 2016, September 20, 2016, and November 22, 2016, 8:00 a.m., ET each day.

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

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

A copy of the agenda may be obtained by contacting: The Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373, ext. 3482 or by visiting the website: www.floridaspsychology.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)245-4444, ext. 3418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

The Florida Board of Speech-Language Audiology & Pathology announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2016, 9:00 a.m.

PLACE: Renaissance World Golf Village, 500 South Legacy Trail, St Augustine, Florida 32092

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

A copy of the agenda may be obtained by contacting: Claudia Kemp, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, 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 5 days before the workshop/meeting by contacting: Daisy King at (850)245-4588. 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: Daisy King at (850)245-4588.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesdays, January 6, 2016 – December 28, 2016, 2:00 p.m.; Thursdays, March 3, 2016 – July 28, 2016, 2:00 p.m. (if necessary)

No meetings will be held on holidays, during office closures or when there is no business for the review committee to conduct.

PLACE: Florida Housing Finance Corporation, 227 N. Bronough Street, 5th Floor, Formal or Executive Director’s Conference Room, Suite 5000, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct meetings of the Corporation’s State Housing Initiatives Partnership (SHIP) Program Review Committee. The purpose of these Review Committee Meetings is to consider SHIP related matters and approve New and Amended Local Housing Assistance Plans submitted by counties or entitlement municipalities participating in the SHIP Program.

A copy of the agenda may be obtained by contacting: Robert Dearduff, (850)488-4197 or robert.dearduff@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robert Dearduff, (850)488-4197 or robert.dearduff@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

SOUTH DADE SOIL AND WATER CONSERVATION DISTRICT

The South Dade Soil and Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 10, 2015, 9:30 a.m.

PLACE: USDA Florida City Service Center, 1450 N. Krome Ave., #102

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda items for presentation to the Board of Supervisors, Ag Lab Report, MIL Report, and District Projects.

A copy of the agenda may be obtained by contacting: Gina Dolleman, (305)242-1288.

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 1 day before the workshop/meeting by contacting SDSWCD, (305)242-1288. 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: Morgan Levy, District Administrator, (305)242-1288.

KEITH AND SCHNARS, P.A.

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

DATE AND TIME: Wednesday, December 16, 2015, 5:30 p.m.

PLACE: Indian River State College, Mueller Campus, Richardson Center, 6155 College Lane, Vero Beach, Florida 32966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Project Development and Environment (PD&E) Studies:

I-95 and Oslo Road Interchange - Financial Management No: 413048-2-22-01; ETDM No: 13837

Oslo Road Widening from East of I-95 to 58 Avenue - Financial Management No: 431521-1-22-01; Federal Aid Project No: 8886-458-A; ETDM No: 9448

FDOT District Four, invites you to a public hearing for the above referenced projects. The public hearing will begin as an open house at 5:30 p.m., with a formal presentation at 6:00 p.m., followed by a public comment period.

This will be a combined public hearing to give interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed improvements for both of the above referenced projects. Draft documents for both projects are available for public review from Wednesday, November 25, 2015 to Monday, December 28, 2015, at the following locations: FDOT, Public Information Office, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida 33309, (954)777-4090, Monday – Friday: 8:00 a.m. to 5:00 p.m. (CLOSED Saturdays and Sundays, Thursday, November 26, Friday, November 27, and Friday, December 25); Indian River State College – Mueller Campus, Brackett Library, 6155 College Lane, Vero Beach, Florida 32966, (772)569-0333, Monday, Thursday and Friday: 9:00 a.m. to 5:00 p.m.; Tuesday and Wednesday: 12:00 p.m. to 8:00 p.m. (CLOSED Saturdays and Sundays; Thursday, November 26, Friday, November 27, and Friday, December 25); Draft documents are also available at www.oslopde.com and will be on display at the public hearing. Persons wishing to submit written statements or other exhibits, in place of or in addition to oral statements, may do so at the hearing or by sending them to Ronald Wallace, P.E., Project Manager, at the contact

information provided below. All exhibits or statements postmarked on or before December 28, 2015 will become part of the public hearing record

A copy of the agenda may be obtained by contacting: Ronald Wallace, P.E., Project Manager, at the contact information provided below.

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 seven (7) days before the workshop/meeting by contacting: Ronald Wallace, P.E., Project Manager, at the contact information provided below. 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: Ronald Wallace, P.E., Project Manager, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4641 or toll free at 1(866)336-8435, ext. 4641, or via email at ronald.wallace@dot.state.fl.us. You may also visit the project website at www.oslopde.com.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

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

NONE

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

AULD & WHITE CONSTRUCTORS, LLC
NOTICE TO SUBCONTRACTORS
PROJECT NAME: City of Atlantic Beach
Public Safety Building
REQUEST FOR BIDS

NOTICE IS HEREBY GIVEN that Auld & White Constructors, LLC will be accepting proposals, which will be received until (date to be determined), at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, for the referenced project.

SCOPE DESCRIPTION: Auld & White Constructors, LLC has been selected as the Construction Management Firm for the renovations and expansion to the Public Safety Building. Included in the overall Scope of Work will be selective demolition, renovation and addition to the existing facility.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid no later than December 31, 2015. Project drawings and specifications will be available in early November at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216. All interested bidders shall submit their Notice of Intent to Bid by fax to (904)296-1896, Attention Elizabeth Wilcox or email at awcestimating@auld-white.com.

Auld & White Constructors, LLC is committed to provide equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

**Section XII
Miscellaneous**

AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid
 Traumatic Brain Injury and Spinal Cord Injury (TBI/SCI)
 Waiver Amendment Request

The Agency for Health Care Administration (Agency) is submitting to the Centers for Medicare and Medicaid Services (CMS) a request to amend the Traumatic Brain Injury and Spinal Cord Injury (TBI/SCI) waiver that operates under the authority of Section 1915 (c) of the Social Security Act. The Agency is providing public notice of the 30-day public comment period as specified in 42 CFR 441.304(f) to solicit meaningful input from recipients, providers and all stakeholders on the amendment request prior to submission to CMS.

Description of Traumatic Brain Injury and Spinal Cord Injury (TBI/SCI) Waiver and Amendment Request

The purpose of the TBI/SCI Waiver Program is to maintain and promote the health of individuals with traumatic brain injuries or spinal cord injuries through the provision of needed supports and services in order to delay and prevent institutionalization. The goal of the program is to provide a choice of services that will allow eligible recipients to live safely at home or in the community.

This waiver amendment requests approval to: 1) increase the number of unduplicated count by 25 to 449; and 2) update Agency and Operating Agency contact information.

The 30-day comment period will begin on Tuesday, December 8, 2015 and end on Wednesday, January 7, 2016. The Agency will post the waiver amendment request with a description of the changes on its website in conjunction with the waiver amendment. When submitting written comments by postal service or internet email, please have 'Traumatic Brain Injury and Spinal Cord Injury Waiver Amendment' contained in the subject line. Mail comments and suggestions to: Agency for Health Care Administration, Attention: HCBS Waivers, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308. E-mail your comments and suggestions to: FLMedicaidWaivers@ahca.myflorida.com.

If you are hearing or speech impaired, please contact us using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact Virginia Yon at 1(850)412-4229 or Virginia.Yon@AHCA.myflorida.com.

The waiver amendment request document can be viewed at the following link:
http://ahca.myflorida.com/Medicaid/hcbs_waivers/index.shtml

DEPARTMENT OF FINANCIAL SERVICES
 FSC - Financial Institution Regulation
 Office of Financial Regulation

NOTICE OF FILINGS
 Financial Services Commission
 Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

APPLICATION WITHDRAWN

Application to Establish an International Bank Agency
 Applicant and Location: Intercam Banco, S.A., Mexico
 Proposed Florida Locations: 1221 Brickell Avenue, Miami, Florida 33131

Date Received: December 31, 2014

Withdrawn: December 7, 2015

Section XIII
 Index to Rules Filed During Preceding
 Week

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

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