

## Section I

### Notice of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF TRANSPORTATION

|                   |  |
|-------------------|--|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                    |
| 14-100.002        | Prosecution of Unpaid Toll Violations  |
| 14-100.003        | Express Lane Tolling                   |
| 14-100.004        | 95 Express Toll Exemption Registration |
| 14-100.005        | Video Billing.                         |

**PURPOSE AND EFFECT:** To update language regarding the enforcement of tolling, to allow operators of toll facilities to establish toll rates in addition to owners, to update signage requirements and penalty provisions, to add definitions used within the rule, to update the registration process and vehicles eligible for toll exemptions.

**SUBJECT AREA TO BE ADDRESSED:** Express lane tolling and toll enforcement.

**RULEMAKING AUTHORITY:** 316.0741, 316.1001, 334.044(2), 338.155(1), 338.166(4), 338.2216 (1)(d), FS.

**LAW IMPLEMENTED:** 316.0741, 316.1001, 316.640(1), 318.14(12), 334.044(16)(28), 335.02(3), 338.155, 338.165, 338.166, 338.2216, 338.231, FS.

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

**DATE AND TIME:** NOVEMBER 21, 2016 at 6:00 p.m. (5:00 p.m., Central)

**PLACE:** This rule development workshop is being held as a statewide webinar proceeding which can be accessed by registering at the following website: <http://www.floridasturnpike.com>. Those persons wishing to participate in person may attend at one of the following locations:

Florida's Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761; District One Auditorium 801 N. Broadway Avenue, Bartow, Florida; Urban Office Training Facility Auditorium, 2198 Edison Avenue, Jacksonville, Florida 32204; District Three Design Room A, 1074 Highway 90, Chipley, Florida; District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida; District 6 Auditorium, 1000 N.W. 111th Avenue, Miami, Florida; District 7 Auditorium, 11201 N. McKinley Drive, Tampa, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Justin Hannah, Florida Turnpike, Milepost 263, Building 5315, Ocoee, FL 34761, (407)264-3822, [justin.hannah@dot.state.fl.us](mailto:justin.hannah@dot.state.fl.us). If you are hearing or speech

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Schwartz, Assistant General Counsel, Department of Transportation, 605 Suwannee Street, Tallahassee, FL 32399, (850)414-5392, [susan.schwartz@dot.state.fl.us](mailto:susan.schwartz@dot.state.fl.us)  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

#### WATER MANAGEMENT DISTRICTS

##### Southwest Florida Water Management District

|                  |  |
|------------------|--|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b>                     |
| 40D-2.091        | Publications Incorporated by Reference |

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to incorporate the revised Form LEG-R.053.00, Flow Meter Post-Installation Information Reimbursement Form, into Rule 40D-2.091, F.A.C. The effect of the rule is that the appropriate Form for requesting reimbursement for the installation of a flow meter will be located in Rule 40D-2.091, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Forms and Instructions.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702 or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christopher Tumminia, Staff Attorney, SWFWMD, 7610 U.S.

Highway 301 North, Tampa, Florida 33637, (813)985-7481, Ext. 4658. A2016046-1

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE NO.: RULE TITLE:

60A-1.041 Solicitation Requirements

PURPOSE AND EFFECT: Changes to rule 60A-1.041, F.A.C. Solicitation Requirements, create the requirements for professional certification as a Florida Certified Contract Manager (FCCM), and update and simplify the requirements for professional certification as a Florida Certified Contract Negotiator (FCCN). The rule titles are changed to accurately reflect the rule content addressed.

SUBJECT AREA TO BE ADDRESSED: Requirements to hold certification as an FCCM or FCCN.

RULEMAKING AUTHORITY: 287.032(2), 287.042(12), 287.057(16)(b), FS.

LAW IMPLEMENTED: 287.057(14), 287.057(16), 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: Friday, November 18, 2016, 3:30 p.m. – 4:30 p.m.

PLACE: 4050 Esplanade Way, Room 360K, 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 48 hours before the workshop/meeting by contacting: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: (850)487-3833, Email: daniel.may@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: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: (850)487-3833, Email: daniel.may@dms.myflorida.com

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: RULE TITLE:

64B9-4.011 Dispensing Practitioners

PURPOSE AND EFFECT: The purpose of the rule amendment is to update and incorporate application

SUBJECT AREA TO BE ADDRESSED: Update and incorporate application

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 465.0276, 464.012(3), (4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, Joe.Baker@flhealth.gov

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

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:

65C-30.020 Child Deaths

PURPOSE AND EFFECT: The Department intends to amend Rule 65C-30.020, F.A.C., Child Deaths, to accomplish the following: (1) Clarify when the regional child fatality prevention specialist must be notified of a child death and when he or she must convene a case review; and (2) Add language regarding drug screens.

SUBJECT AREA TO BE ADDRESSED: Child Fatalities.

RULEMAKING AUTHORITY: 39.012, 39.0121(13), FS.

LAW IMPLEMENTED: 39.201(2)(a), 39.2015(1), (6), 39.301(9)(a), (11), (16), (17), 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: Jodi Abramowitz, Jodi.abramowitz@myflfamilies.com or (850)717-4189

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

Section II  
Proposed Rules

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:  
59G-4.110 Hearing Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.110, Florida Administrative Code (F.A.C.) is to incorporate by reference the Florida Medicaid Hearing Services Coverage Policy, \_\_\_\_\_.

SUMMARY: The incorporated coverage policy updates service coverage information, general criteria, and standard language throughout.

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

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

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

RULEMAKING AUTHORITY: 409.919, 409.961 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 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: Claire Anthony-Davis, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4266, e-mail: Claire.Davis@ahca.myflorida.com. Please note that a preliminary draft of the reference material, if available, will be posted at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m. November

29, 2016. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, or to request a hearing in accordance with Section 120.54(3)(c)1 FS., please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) This rule applies to all providers rendering Florida Medicaid ~~any person or entity prescribing or reviewing a request for hearing services to recipients and to all providers of hearing services who are enrolled in or registered with the Florida Medicaid program.~~

(2) All providers ~~persons or entities described in subsection (1)~~ must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage Policy, \_\_\_\_\_ ~~June 2016~~, incorporated by reference. The policy is available on the Agency for Health Care Administration's website at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and available at [DOS place holder Ref-\_\_\_\_\_] ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06744>~~. Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.012, 409.913, 409.973 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, 7-26-05, 8-18-05, 11-29-06, 6-29-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Claire Anthony-Davis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 7, 2016

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE NOS.: RULE TITLES:  
60A-1.001 Definitions  
60A-1.005 Eligible Users

PURPOSE AND EFFECT: Proposed rule Rule 60A-1.001, F.A.C., Definitions, deletes obsolete definitions, adds new definitions, and clarifies existing definitions to reflect current purchasing practices. The proposed repeal of Rule 60A-1.005, F.A.C., Eligible User, removes duplicative language now defined in proposed rule 60A-1.001, F.A.C. This is a substantial re-wording of rule 60A-1.001, F.A.C., Definitions, which provides operationally defined terms used throughout

the rule chapter. The changes reflect updating language to remove duplicative wording and antiquated terminology. The proposed repeal of rule 60A-1.005, F.A.C., Eligible User, is enacted to remove duplicative language.

SUMMARY: Proposed rule 60A-1.001, F.A.C., Definitions, deletes antiquated terminology, clarifies existing definitions, and adds new definitions, including "eligible user," thus allowing for repeal of rule 60A-1.005, F.A.C., Eligible Users.

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

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

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

RULEMAKING AUTHORITY: 287.012(11), 287.032(2), 287.042(12), FS.

LAW IMPLEMENTED: 287.012(11), 287.042, 287.057, 287.058, FS.

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

DATE AND TIME: Tuesday, November 29, 2016, 3:30 p.m. – 4:30 p.m.

PLACE: 4050 Esplanade Way, Room 101, 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 48 hours before the workshop/meeting by contacting: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: 850-487-3833, Email: Daniel.may@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 IS: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360,

Tallahassee, Florida 32399-0950, Phone: (850)487-3833, Email: Daniel.may@dms.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 60A-1.001, F.A.C. follows. See Florida Administrative Code for present text.

60A-1.001 Definitions

This rule defines terms used in rule chapter 60A-1, F.A.C. Other terms used in rule chapter 60A-1 shall be construed in accordance with definitions contained in chapter 287, F.S. Terms not defined by statute or rule shall be construed according to their plain meaning, and in all cases with the objective of advancing the purpose of the rule in which they appear.

(1) Contract means a mutually binding legal relationship evidenced by a written agreement obligating a Contractor to furnish commodities or contractual services to the Department, an agency, an eligible user, or another state. A Contract requires signatures of all parties.

(2) Eligible User means:

(a) United States government departments, commissions, agencies, and instrumentalities thereof, having a physical presence within the State of Florida;

(b) This state's constitutional, judicial branch, and legislative branch entities, and instrumentalities thereof;

(c) Instrumentalities of this state's executive branch agencies;

(d) State universities and colleges, their boards of trustees, and the board of governors, as described by ss. 1000.21, 1001.60, and 1001.71, F.S., and instrumentalities thereof. (e) Political subdivisions, including counties, cities, towns, villages and districts, as described by s. 1.01(8), F.S., and instrumentalities thereof;

(f) School districts, as described by s. 1001.30, F.S., and instrumentalities thereof;

(g) Independent, nonprofit colleges or universities located within the State of Florida and accredited by the Southern Association of Colleges and Schools;

(h) For purposes of insurance contracts procured pursuant to s. 287.022, F.S., only state universities, as described by s. 1000.21, F.S., are eligible users.

(3) Purchase Order means a written agreement formalizing the terms and conditions under which a Vendor furnishes commodities or contractual services to the Department or an agency.

(4) Vendor means a person or entity that may provide or is providing commodities or contractual services under a Purchase Order or Contract.

Rulemaking Authority 287.012(11), 287.032(2), 287.042(12), 287.032 FS. Law Implemented 287.001, 287.012(11), 287.042,

287.057, 287.058 FS. History—New 5-20-64, Amended 2-6-68, 5-20-71, 5-19-72, 7-31-75, 10-1-78, 11-14-79, 8-6-81, 10-11-81, 4-29-82, 8-26-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00, 8-22-04, Revised xx-xx-16.

60A-1.005 Eligible Users.

Rulemaking Authority 287.042(12) FS. Law Implemented 287.012(12) FS. History—New 8-24-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judson Freeman, Deputy Director of Operations  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell, Secretary, Department of Management Services  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD:  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 13, 2016

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-8.006  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose of the amendment is to update guidelines and amend penalties for Section 456.0635 violations and implement Laws of Florida 2016-224.

SUMMARY: Update guidelines and amend penalties.

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 Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary because disciplinary penalties are not regulatory 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: 456.072, 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 464.018 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; Joe.Baker@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) through (b) No change.

(c) Criminal Violations:

~~1. Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing. (Sections 456.072(1)(c), 464.018(1)(c), F.S., misdemeanors in violation of Section 464.018(1)(d) 3., or (d)7., or 464.018(1)(e), or 456.072(1)(ii), (ll), F.S., for crimes set forth in Sections 435.04(2)(a) through (t), (v) through (dd) or (ff), F.S.)~~

|                | MINIMUM                  | MAXIMUM                                 |
|----------------|--------------------------|---|
| FIRST OFFENSE  | Reprimand                | Revocation \$10,000 fine and suspension |
| SECOND OFFENSE | \$500 fine and probation | Revocation                              |

~~2. Being found guilty, regardless of adjudication, of a violation of Chapter 776, 784, 812, 827, 415 or 39, F.S. (Section 464.018(1)(d)1., (d)2., (d)5., (d)6., (d)7., or (d)8., or a misdemeanor violation of Chapter 409 or 817, F.S.)~~

|                | MINIMUM                  | MAXIMUM                      |
|----------------|--------------------------|------------------------------|
| FIRST OFFENSE  | Reprimand                | \$10,000 fine and suspension |
| SECOND OFFENSE | \$500 fine and probation | Revocation                   |

~~3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a felony violation of Chapter 409, 817 or 893, F.S., or of any crime related to health care fraud. (Section 456.072(1)(ll), 464.018(1)(d)3. or 464.018(1)(e), F.S., for crimes set forth in Section 435.04(2)(u) or (ee), F.S.)~~

|               | MINIMUM                   | MAXIMUM                      |
|---------------|---------------------------|------------------------------|
| FIRST OFFENSE | 10,000 fine and probation | \$10,000 fine and revocation |

~~4. Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure. (Section 464.018(1)(d)4., F.S.)~~

|  | MINIMUM | MAXIMUM |
|--|---------|---------|
|--|---------|---------|

FIRST OFFENSE \$250 fine and Revocation probation

(d) through (h) No change

(i) Knowingly violating any provision of Chapter 456 or 464, F.S., a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department; or failing to perform any statutory or legal obligation placed on a licensee. (Section 456.072(1)(b), (k) or (q), (dd) or 464.018(1)(l) or (o), F.S.)

|                | MINIMUM   | MAXIMUM   |
|----------------|---|---|
| FIRST OFFENSE  | \$250 fine and compliance with rule or terms of prior order                 | \$500 fine and suspension until compliant with rule or terms of prior order |
| SECOND OFFENSE | \$500 fine and suspension until compliant with rule or terms of prior order | Revocation  |

(j) No change.

(k) Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience, or practicing; or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (Section 456.072(1)(o), (gg), ~~or~~ 464.018(1)(n), (p), (q), or 456.44(3), F.S.)

|               | MINIMUM   | MAXIMUM    |
|---------------|---|------------|
| FIRST OFFENSE | Reprimand, \$250 fine, and continuing education | Revocation |

(l) through (m) No change.

(n) Failing to comply with the educational course requirements. (Section 456.072(1)(e) or (s), 464.013(3)(b), F.S. or Rule 64B9-5.002, F.A.C.)

|                | MINIMUM   | MAXIMUM  |
|----------------|---|--|
| FIRST OFFENSE  | Reprimand and \$250 fine                          | \$500 fine and suspension until licensee complies                    |
| SECOND OFFENSE | \$500 fine and suspension until licensee complies | \$750 fine, suspension until licensee complies followed by probation |

(o) No change.

(p) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board, or delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of the responsibilities knows, or

has reason to know, the person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(j), (p), F.S.)

|                | MINIMUM                                | MAXIMUM                                |
|----------------|--|--|
| FIRST OFFENSE  | \$250 fine and continuing education    | \$500 fine and probation or suspension |
| SECOND OFFENSE | \$500 fine and probation or suspension | Revocation                             |

(q) No change.

~~(r) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(p), F.S.)~~

|               | MINIMUM                  | MAXIMUM    |
|---------------|--------------------------|------------|
| FIRST OFFENSE | \$250 fine and probation | Revocation |

~~(r)(s) through (u)(v) No change.~~

~~(v)(w) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application. (Section 456.072(1)(w), ~~or~~ 456.041(8), or 456.44(2), F.S.)~~

|                | MINIMUM                  | MAXIMUM                                   |
|----------------|--------------------------|---|
| FIRST OFFENSE  | Reprimand and \$250 fine | \$500 fine and suspension until compliant |
| SECOND OFFENSE | \$500 fine and probation | \$750 fine and suspension until compliant |

For failure to verify the profile contents and to correct any factual errors in the licensee's profile within the 30-day period in Section 456.041(7), F.S.: A fine of \$50 per day.

~~(w)(x) through (y)(z) No change.~~

~~(aa) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. (Sections 456.072(1)(ii) and (ii), F.S.)~~

~~\$10,000 fine and revocation~~

~~(z)(bb) No change.~~

~~(aa)(ee) through (cc)(ee) No change.~~

(4) through (6) No change.

Rulemaking Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, 7-5-06, 2-6-12, 11-19-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 7, 2016  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: May 20, 2016

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NOS.:      RULE TITLES:

64F-14.001      Definitions

64F-14.002      Conditions

PURPOSE AND EFFECT: The Department repeals these rules as unnecessary.

SUMMARY: These department rules articulate standards for drug issuance by public health nurses which are covered more properly by rules promulgated by the Board of Nursing.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 154.04(1)(c) FS.

LAW IMPLEMENTED: 154.04(1)(c) 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: Shamarial Roberson, Bureau Chief, at (850)245-4444, Ext. 4391 or Shamarial.Roberson@FHHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-14.001 Definitions.

Rulemaking Specific Authority 154.04(1)(c) FS. Law Implemented 154.04(1)(c) FS. History–New 1-12-87, Amended 3-30-89, 4-13-94, 5-15-96, Formerly 10D-96.002, Repealed.

64F-14.002 Conditions.

Rulemaking Specific Authority 154.04(1)(c) FS. Law Implemented 154.04(1)(c) FS. History–New 1-12-87, Amended 3-30-89, 4-13-94, 5-15-96, Formerly 10D-96.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Shamarial Roberson, Bureau Chief, Bureau of Chronic Disease Prevention

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2016

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NO.:      RULE TITLE:

64I-1.005      Transitional Living Facility (TLF) Services

PURPOSE AND EFFECT: To repeal this rule section.

SUMMARY: Repeal Rule 64J-1.005, F.A.C., regarding transitional living facility services, which was declared invalid in Division of Administrative Hearings (DOAH) case number 2012-3463, styled “Florida Institute for Neurologic Rehabilitation v. Department of Health.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the SERC checklist and the information analyzed in preparing that checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s. 120.541(2)(a), Florida Statutes.

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: 381.0011, 400.805 FS.

LAW IMPLEMENTED: 381.75, 400.805 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: John Cherry, Section Administrator, Bureau of Emergency Management Oversight, 4052 Bald Cypress Way, Bin C-25, Tallahassee, FL 32399; (850)245-4444, Ext.2684; John.Cherry@flhealth.gov

THE TEXT OF THE PROPOSED RULE IS:

64I-1.005 Transitional Living Facility (TLF) Services.  
 Rulemaking Authority ~~381.0014~~, 400.805 FS. Law Implemented 381.75, 400.805 FS. History—New 6-1-11, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 John Cherry  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH,  
 State Surgeon General  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2016

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NO.: RULE TITLE:  
 64I-3.001 Rural Hospital Capital Improvement Grant Application Procedures

PURPOSE AND EFFECT: To repeal this rule.  
 SUMMARY: This rule provides an application process for rural hospital capital improvement grants. The grant program has not been funded by the legislature for years and the rule is no longer necessary. If funding is appropriated in the future, a new rule can be promulgated at that time.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the SERC checklist, this rulemaking will not have an adverse impact on regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

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

RULEMAKING AUTHORITY: 395.6061(3), FS.  
 LAW IMPLEMENTED: 216.349, 395.6161, 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: Daphne Holden at (850)245-4444 or at Daphne.Holden@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64I-3.001 Rural Hospital Capital Improvement Grant Application Procedures  
Rulemaking Specific Authority 395.6061(3) FS. Law Implemented 216.349, 395.6061 FS. History—New 8-27-00, Formerly 64E-22.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Daphne Holden, PhD, Bureau Chief  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH, Surgeon General and Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2016

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NO.: RULE TITLE:  
 64I-5.003 Rural Health Network Cooperative Agreements

PURPOSE AND EFFECT: To repeal rule.  
 SUMMARY: This rule provides a process for authorizing and supervising consolidation of network hospital services or technologies and rural health network cooperative agreements. The rule is no longer necessary as there have not been any network cooperative agreements presented to the department for approval or review.

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

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

have an adverse impact on regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 381.04065(5) FS.

LAW IMPLEMENTED: 381.04065 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: Daphne Holden at (850)245-4444 or at Daphne.Holden@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64I-5.003 Rural Health Network Cooperative Agreements  
Rulemaking Specific Authority 381.04065(5) FS. Law Implemented 381.04065 FS. History–New 1-24-96, Formerly 59F-1.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Daphne Holden, PhD, Bureau Chief

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2016

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NOS.:      RULE TITLES:

64I-6.001      Title  
 64I-6.002      Program Components

PURPOSE AND EFFECT: To repeal rules that are duplicative of statute.

SUMMARY: These rules state the required components of the tobacco education and use program which are also listed in the enabling 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 not been prepared by the Agency.

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

herein: Based on the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. 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: 381.84(9), FS.

LAW IMPLEMENTED: 381.84(3), 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: Meredith Hennon at Meredith.Hennon@flhealth.gov, or (850)245-4444, Ext. 2463.

THE FULL TEXT OF THE PROPOSED RULE IS:

64I-6.001 Title.  
Rulemaking Specific Authority 381.84(9) FS. Law Implemented 381.84(3) FS. History–New 7-7-08, Repealed.

64I-6.002 Program Components.  
Rulemaking Specific Authority 381.84(9) FS. Law Implemented 381.84(3) FS. History–New 7-7-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Shannon Hughes, Division Director

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2016

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE NOS.:      RULE TITLES:  
 60A-1.015      Insurance  
 60A-1.016      Contract and Purchase Order Requirements  
 60A-1.017      Acquisition of Commodities through  
                     Construction Contracts or Contracts Which  
                     Include Services  
 60A-1.021      Electronic Posting of Decisions and  
                     Intended Decisions  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 200, October 13, 2016 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: The economic review conducted by the agency.

Rulemaking Authority and Law Implemented are amended, as follows:

RULEMAKING AUTHORITY: 287.032, 287.042, FS  
 LAW IMPLEMENTED: 287.012, 287.022, 287.042, 287.057, 287.058, FS

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE NOS.:      RULE TITLES:  
 60A-1.016      Contract and Purchase Order Requirements  
 60A-1.017      Acquisition of Commodities through  
                   Construction Contracts or Contracts Which  
                   Include Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 200, October 13, 2016 issue of the Florida Administrative Register.

History notes for 60A-1.016 Contract and Purchase Order Requirements., have been coded as follows:

Rulemaking Authority 287.032(2), 287.042(12) FS. Law Implemented ~~287.017, 287.042, 287.057, 287.058(2), 287.133, 668.004~~ FS. History–New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00, 7-11-04, 10-15-06, \_\_\_\_\_.

Rule title, text and history notes for 60A-1.017 Acquisition of Commodities through Construction Contracts or Contracts Which Include Services., have been recoded, without changing the substance of the proposed rule changes, as follows:

60A-1.017 Acquisition of Commodities through Service Construction Contracts or Contracts Which Include Services.

~~Construction contracts or~~ Contracts which include services that provide for a Vendor to purchase commodities tangible personal property as defined in Section 273.02, F.S., for subsequent transfer to the State, may be entered into by an agency only under the following circumstances:

(1) ~~When T~~he agency has determined ~~in writing~~ that there is ~~a an absolute and~~ demonstrated need to acquire the

~~commodity property~~ through the Vendor, as opposed to direct acquisition by the agency;

(2) The agency has provided a means to identify the commodity specific ~~property~~, including line-item costs, acquired by the Vendor for subsequent transfer to and control by the agency; and

(3) The agency has, ~~where necessary~~, specified the quality level of the commodity to be acquired and made provisions for warranty ~~terms~~, service, and transfer of ownership.

Rulemaking Authority 287.032(2), 287.042(12)(13) FS. Law Implemented 287.042(3)(4), 287.042(6)(7) FS. History–New 11-3-88, Formerly 13A-1.017, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.:      RULE TITLE:  
 64B1-4.0011    Documentation Necessary for Licensure  
                   Application

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 42 No. 125, June 28, 2016 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:      RULE TITLE:  
 64B8-51.006    Rule Governing Licensure and Inspection of  
                   Electrology Facilities

**NOTICE OF PUBLIC HEARING**

The Board of Medicine announces a hearing regarding the above rule, as noticed in Vol. 42 No. 167, August 26, 2016 Florida Administrative Register.

DATE AND TIME: To be held during the Board of Medicine meeting on Friday, December 2, 2016, beginning at 8:00 a.m. This hearing is rescheduled from December 1, 2016, so that this matter can be heard by the full Board of Medicine.

PLACE: Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL 34746.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed rule, as requested by the Society for Clinical and Medical Hair Removal.

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 five days before the workshop/meeting by contacting: Allen Hall, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin# C05, Tallahassee, Florida 32399-3255. A copy of the meeting agenda and/or additional information may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137. 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**

**Board of Medicine**

RULE NO.: RULE TITLE:  
64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses  
NOTICE OF PUBLIC HEARING

The Board of Medicine announces a hearing regarding the above rule, as noticed in Vol. 42 No. 179, September 14, 2016 Florida Administrative Register.

DATE AND TIME: To be held during the Board of Medicine meeting on Friday, December 2, 2016, beginning at 8:00 a.m. This hearing is rescheduled from December 1, 2016, so that this matter can be heard by the full Board of Medicine.

PLACE: Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL 34746.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed rule, as requested by the Society for Clinical and Medical Hair Removal.

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 five days before the workshop/meeting by contacting: Allen Hall, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin# C05, Tallahassee, Florida 32399-3255. A copy of the meeting agenda and/or additional information may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137. 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**

**Board of Medicine**

RULE NO.: RULE TITLE:  
64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction  
NOTICE OF PUBLIC HEARING

The Board of Medicine announces a hearing regarding the above rule, as noticed in Vol. 42 No. 167, August 26, 2016 Florida Administrative Register.

DATE AND TIME: To be held during the Board of Medicine meeting on Friday, December 2, 2016, beginning at 8:00 a.m. This hearing is rescheduled from December 1, 2016, so that this matter can be heard by the full Board of Medicine.

PLACE: Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL 34746.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed rule, as requested by the Society for Clinical and Medical Hair Removal.

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 five days before the workshop/meeting by contacting: Allen Hall, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin# C05, Tallahassee, Florida 32399-3255. A copy of the meeting agenda and/or additional information may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137. 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**

**Board of Medicine**

RULE NO.: RULE TITLE:  
64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices  
NOTICE OF PUBLIC HEARING

The Board of Medicine announces a hearing regarding the above rule, as noticed in Vol. 42 No. 167, August 26, 2016 Florida Administrative Register.

DATE AND TIME: To be held during the Board of Medicine meeting on Friday, December 2, 2016, beginning at 8:00 a.m. This hearing is rescheduled from December 1, 2016, so that this matter can be heard by the full Board of Medicine.

PLACE: Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL 34746.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed rule, as requested by the Society for Clinical and Medical Hair Removal.

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 five days before the workshop/meeting by contacting: Allen Hall, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin# C05, Tallahassee, Florida 32399-3255. A copy of the meeting agenda and/or additional information may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137. 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).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.007  
 RULE TITLE: Permits and Authorizations for the Take of Florida Endangered and Threatened Species  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 185, September 22, 2016 issue of the Florida Administrative Register.

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species.

- (1) No change.
- (2) The permit requirements for the taking of a State-designated Threatened species are as follows:
  - (a) through (c) No change
  - (d) Agriculture, as defined in Section 570.02, F.S., conducted in accordance with Chapter 5I-8, F.A.C. effective 10-21-14, or Chapter 5M-18, F.A.C., effective 6-17-15, and the wildlife best management practices (BMPs) adopted in Sections 5I-8.001 or 5M-18.001, F.A.C., by the Department of Agriculture and Consumer Service pursuant to section 570.94, F.S., is authorized and does not require a permit authorizing incidental take despite any other provision of this section or section 68A-27.005, F.A.C.
  - (e) through (f) No change.

**Section IV  
 Emergency Rules**

NONE

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

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District  
 RULE NO.: 40D-22.201  
 RULE TITLE: Year-Round Water Conservation Measures  
 The Southwest Florida Water Management District hereby gives notice:  
 On November 4, 2016, the Southwest Florida Water Management District has issued an order granting a variance.  
 Petitioner's Name: Twin Fountains Club, Inc. – File Tracking No. 17-4232  
 Date Petition Filed: September 29, 2016  
 Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought:  
 Lawn and landscape irrigation  
 Date Petition Published in the Florida Administrative Register:  
 October 6, 2016  
 General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.  
 A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants  
 RULE NO.: 61C-1.004  
 RULE TITLE: General Sanitation and Safety Requirements  
 NOTICE IS HEREBY GIVEN that on November 4, 2016, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Section 5-203.13, 2009 FDA Food Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Tutto Gelato LLC located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided and that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and mopsink facilities with another licensed food service establishment under a different ownership and on the same premises.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants  
 RULE NO.:  
 RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On November 4, 2016, the Division issued an order. The Final Order was in response to a Petition for an emergency permanent Variance from Anchor Point, filed October 11, 2016, and advertised on October 15, 2016, in Vol.42, No.202, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.1, A.S.M.E. A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that prohibits foreign equipment in the elevator machine room because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2016-231).

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Division of Cultural Affairs, Florida Council on Arts and Culture announces a public meeting to which all persons are invited.

DATE AND TIME: November 17, 2016, 9:00 a.m.

PLACE: Teleconference; visit <http://www.florida-arts.org/documents/panels/teleconference.instructions.cfm> for instructions

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Council members must participate in the conference call in order to vote. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken.

A copy of the agenda may be obtained by contacting: the Division of Cultural Affairs at (850)245-6470 or by visiting our website: [www.florida-arts.org/calendar](http://www.florida-arts.org/calendar).

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: Rachelle Ashmore, (850)245-6490, [Rachelle.Ashmore@dos.myflorida.com](mailto:Rachelle.Ashmore@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Rachelle Ashmore, (850)245-6490, [Rachelle.Ashmore@dos.myflorida.com](mailto:Rachelle.Ashmore@dos.myflorida.com).

DEPARTMENT OF EDUCATION

State Board of Education

The Financial Emergency Board for the School District of Jefferson County announces a public meeting to which all persons are invited.

DATE AND TIME: November 15, 2016, 1:30 p.m.

PLACE: Turlington Building, 325 West Gaines Street, Suite 1706, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 218.503, Florida Statutes, the Financial Emergency Board for the School District of Jefferson County will meet on November 15. The purpose of this meeting is for the Financial Emergency Board to review and discuss information about the finances of the School District of Jefferson County.

A copy of the agenda may be obtained by contacting: Link Jarrett at the Florida Department of Education, 325 West Gaines Street, Suite 1214, Tallahassee, Florida 32399, (850)245-0406.

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 two days before the workshop/meeting by contacting: Link Jarrett, (850)245-0406. 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.

**STATE BOARD OF ADMINISTRATION**

The Investment Advisory Council (IAC) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, December 5, 2016, 1:00 p.m. until completion of agenda

**PLACE:** The Hermitage Centre, Hermitage Conference Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308; attendees should check in at reception desk, on-site parking available

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a nine-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under s. 215.444 of the Florida Statutes.

A copy of the agenda may be obtained by contacting: Pam Noda, State Board of Administration, (850)413-1381 or pam.noda@sbafla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie McEwen, (850)413-1104, eddie.mcewen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**EXECUTIVE OFFICE OF THE GOVERNOR**

The Florida Children and Youth Cabinet Technology Workgroup announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 14, 2016, 3:00 p.m. – 5:00 p.m.

**PLACE:** Department of Children and Families, 1317 Winewood Blvd., Building 1, Room 132, Tallahassee FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Members of the Technology Workgroup will meet to conduct regular business of the workgroup.

A copy of the agenda may be obtained by contacting: Lindsey Perkins Zander, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Lindsey Perkins Zander, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or

Lindsey.Perkins@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).

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: Lindsey Perkins Zander, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com.

**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

**DATE AND TIME:** November 16, 2016, 3:30 p.m.

**PLACE:** North Central Florida Regional Planning Council, 2009 Northwest 67th Place, Gainesville, Florida

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

**DATE AND TIME:** November 17, 2016, 1:00 p.m.

**PLACE:** Gainesville Regional Utilities Eastside Operations Center, 4747 North Main Street, Gainesville, FL

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

A copy of the agenda may be obtained by contacting: Dwayne Mundy, Public Safety and Regulatory Compliance Program

Director, North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, FL 32653.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

DATE AND TIME: November 17, 2016, 10:00 a.m.

PLACE: Gainesville Regional Utilities Eastside Operations Center, 4747 North Main Street, Gainesville, FL

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Construction Industry Licensing Board

The Department of Business and Professional Regulation announces a public meeting to which all persons are invited.

DATE AND TIMES: December 6, 2016, 10:00 a.m. & 11:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202, (850)488-0062. 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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202, (850)488-0062.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

DATE AND TIME: Monday, November 14, 2016, 2:30 p.m. or soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, at (407)481-5662. Only public portions of the agenda are available upon request.

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: Division of Real Estate, (407)481-5662. 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 BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Tuesday, November 15, 2016, 8:30 a.m., ET; meeting will reconvene on Wednesday, November 16, 2016, 8:30 a.m., ET.

**PLACE:** Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Official business of Commission – among topics include, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2 rule discussion, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@myfloridalicense.com or Mike Davis at michael.davis@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. 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**

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

**DATE AND TIME:** Tuesday, November 15, 2016, 9:00 a.m. – 10:00 a.m., ET

**PLACE:** Florida Department of Health, 2585 Merchants Row Blvd., Suite 310A, Tallahassee, FL 32399; telephone conference toll-free number: 1(877)309-2073, access code: 282-496-237, access meeting online at <https://www.gotomeet.me/amonbryant/advisory-council-meeting-12>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Information Clearinghouse on Developmental Disabilities Advisory Council will provide technical assistance to the Department of Health in the establishment of a website of resources related to Down syndrome or other prenatally diagnosed developmental disabilities; support programs for parent and families; and developmental evaluation and intervention services.

A copy of the agenda may be obtained by contacting: Anna Simmons, (850)245-4465, Anna.Simmons@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Anna Simmons, (850)245-4465, Anna.Simmons@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Anna Simmons, (850)245-4465, Anna.Simmons@flhealth.gov.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

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

**DATE AND TIME:** November 15, 2016, 8:00 a.m., ET

**PLACE:** Telephone conference: 1(888)670-3525, when prompted enter conference code: 4552635641#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review public cases.

A copy of the agenda may be obtained by contacting: [www.floridasdentistry.gov](http://www.floridasdentistry.gov). 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: the Board Office at (850)245-4474.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

The Department of Health, will hold a Dental Laboratory Probable Cause Panel meeting via telephone conference call

where a public reconsideration will be heard. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: November 30, 2016, 10:30 a.m., ET

PLACE: Telephone conference: 1(888)670-3525; when prompted enter participant code: 4552635641#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of reconsideration case.

A copy of the agenda may be obtained by visiting [www.floridasdentistry.gov](http://www.floridasdentistry.gov). 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: the Board Office at (850)245-4474.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support  
The Bureau of Emergency Medical Oversight, Injury Prevention Section announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 15, 2016, 11:00 a.m. – 12:00 Noon.

\*\*Please note: The call previously noticed for Tuesday, November 8, 2016 at 11:00 a.m. (notice ID: 18228936) has been postponed, and will be held at this date and time.

PLACE: Call-in number: 1(888)670-3525; Access Code: 608-245-4114

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of Safe Kids Coalitions in Florida to include: Safe Kids Worldwide updates, Safe Kids local coalition updates, update on the Florida Injury and Violence Prevention Advisory Council (FIVPAC), and updates on the Florida Teen Safe Driving Coalition and Child Passenger Safety and Teen Driving Safety CoIINs.

A copy of the agenda may be obtained by contacting: Stephanie Brown, by email: [Stephanie.Brown@flhealth.gov](mailto:Stephanie.Brown@flhealth.gov) or by telephone: (850)245-4440.

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: Stephanie Brown, by email: [Stephanie.Brown@flhealth.gov](mailto:Stephanie.Brown@flhealth.gov) or by telephone: (850)245-4440. 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: Stephanie Brown, by email: [Stephanie.Brown@flhealth.gov](mailto:Stephanie.Brown@flhealth.gov) or by telephone: (850)245-4440.

DEPARTMENT OF CHILDREN AND FAMILIES

Office on Homelessness

The Office on Homelessness announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 9, 2016, 10:00 a.m.

PLACE: Toll-free: 1(888)670-3525, enter participant code: 701-539-8451#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee and Affordable Housing Committee call: this conference call will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik.braun@myflfamilies.com](mailto:erik.braun@myflfamilies.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik.braun@myflfamilies.com](mailto:erik.braun@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).

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, [erik.braun@myflfamilies.com](mailto:erik.braun@myflfamilies.com).

DEPARTMENT OF CHILDREN AND FAMILIES

Office on Homelessness

The Office on Homelessness announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 7, 2016, 9:00 a.m. – 5:00 p.m.

PLACE: Toll-free: 1(888)670-3525, enter participant code: 701-539-8451#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Council on Homelessness - this conference call will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@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).

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

#### FISH AND WILDLIFE CONSERVATION COMMISSION

##### RULE NO.: RULE TITLE:

68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program

The Florida Fish and Wildlife Conservation Commission's Fish and Wildlife Research Grants Program announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2016, 9:30 a.m. – 10:00 a.m., ET

PLACE: Florida Fish and Wildlife Conservation Commission, Room 100, Berkeley Bldg., 2590 Executive Center Circle, Suite 100, Tallahassee, FL 3230 and the Fish and Wildlife Research Institute, Room 2015-A, 100 8th Avenue S.E., St. Petersburg, Florida, 33701. Video conferencing will be used. Interested persons may participate through video conferencing by appearing in person at the Fish and Wildlife Research Institute, Room 2015-A, 100 8th Avenue S.E., St. Petersburg, Florida, 33701 or the Florida Fish and Wildlife Conservation Commission, Room 100, Berkeley Bldg., 2590 Executive Center Circle, Suite 100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the meeting of the Fish and Wildlife Research Institute Grants Program Committee to evaluate proposals for Oceanaria Reimbursement Assistance for facilities that provide services for rescuing, treating, releasing and monitoring Florida manatees who are sick, injured, or orphaned. A copy of the agenda may be obtained by contacting: Ann Forstchen, Florida Fish and Wildlife Conservation Commission, 100 8th Ave SE, St. Petersburg, FL 33701, (727)502-4765 or Ann.Forstchen@MyFWC.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator, at (850)617-9436. 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: Ann Forstchen, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, 100 8th Ave SE, St. Petersburg, FL 33701, (727)502-4765 or Ann.Forstchen@myFWC.com.

MOFFITT CANCER CENTER & RESEARCH INSTITUTE  
The H. Lee Moffitt Cancer Center & Research Institute announces a public meeting to which all persons are invited.

DATE AND TIME: November 15, 2016, 1:00 p.m.

PLACE: Moffitt Cancer Center, Stabile Research Building, Trustees Board Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance & Planning Committee.

A copy of the agenda may be obtained by contacting: Kathy McKinley, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB - ADM, Tampa, FL 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Kathy McKinley. 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).

#### FLORIDA COMMISSION ON ACCESS TO CIVIL JUSTICE

The Executive Committee of the Florida Commission on Access to Civil Justice announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 10, 2016, 4:30 p.m. – 5:30 p.m., ET

PLACE: Telephone conference number: 1(888)376-5050, participant code: 2311661132

GENERAL SUBJECT MATTER TO BE CONSIDERED: To set the foundation for the Commission Committees to begin conducting business and evaluate the tasks assigned pursuant to the administrative order.

A copy of the agenda may be obtained by contacting: Francisco-Javier Digon-Greer, 1(800)342-8060, ext. 5793, flaccessjustice@flabar.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 2 days before the workshop/meeting by contacting: Francisco-Javier Digon-Greer, 1(800)342-8060, ext. 5793, flaccessjustice@flabar.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).

For more information, you may contact: Francisco-Javier Dignon-Greer, 1(800)342-8060, ext. 5793, flaccessjustice@flabar.org.

**INFINITE SOURCE COMMUNICATIONS GROUP, LLC**  
The Florida Department of Transportation announces a public meeting to which all persons are invited.  
**DATE AND TIME:** November 16, 2016, 6:00 p.m. – 8:00 p.m.  
**PLACE:** Best Western Plus Kendall Hotel & Suites – Dolphin East & Marlin West Meeting Rooms, 8560 SW 124 Avenue, Miami, FL 33183

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
The Florida Department of Transportation (FDOT) District Six will hold a Public Kick-Off Meeting for the Kendall Drive Project Development and Environment (PD&E) Study along State Road (SR) 94/SW 88 Street/Kendall Drive from SR 997/Krome Avenue/SW 177 Avenue to Dadeland North Metrorail Station. The Kendall corridor is being studied as a part of the Strategic Miami Area Rapid Transit, or SMART Plan, which identifies the development of six rapid transit corridors that directly support the mobility of our future population and employment growth. The project identification number is 437784-1-22-01. The Kick-Off Meeting will begin as an open house, from 6:00 p.m. – 8:00 p.m., with a formal presentation starting at 6:45 p.m. Graphic displays will be shown and FDOT representatives will be available to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: Public Information Specialist Jeannette Lazo, at (305)573-0089, Jeannette@iscprgroup.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeannine Gaslonde at (305)470-5208, Jeannine.Gaslonde@dot.state.fl.us, or in writing: FDOT, 1000 N.W. 111 Avenue, Miami, FL 33172. 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: Public Information Specialist Jeannette Lazo, at (305)573-0089, Jeannette@iscprgroup.com.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Talent Agencies has declined to rule on the petition for declaratory statement filed by Michael Fernando Sierra Miranda on November 4, 2016. The following is a summary of the agency’s declination of the petition:

The petitioner sought a declaratory statement as to the applicability of Part VII of Ch. 468, F.S. as to whether Part VII of Ch. 468, F.S. rendered the contract between Petitioner and another party void ab initio based on allegations that the other party engaged in unlicensed activity. The Department declines to issue a declaratory statement regarding conduct by someone other than the Petitioner as a declaratory statement is not the appropriate means for determining the conduct of another person. The Department also declines to issue a declaratory statement regarding conduct that has already occurred as the purpose of a declaratory statement is to allow the petitioner to select a proper course of action in advance. The Department also declines to issue a declaratory statement regarding whether the contract is void ab initio as a declaratory statement is not the proper vehicle for contract disputes and the Department does not have the authority to declare the contract void ab initio.

A copy of the Order Declining the Petition for Declaratory Statement may be obtained by contacting: Department of Business and Professional Regulation, Agency Clerk’s Office, 2601 Blair Stone Rd., Tallahassee, Florida 32399-2202, (850)921-0342, AGC.Filing@myfloridalicense.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

NONE

Section XII  
Miscellaneous

DEPARTMENT OF HEALTH  
Board of Medicine

Emergency Action

On November 3, 2016, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license Elena Polukhin, M.D., License # ME 125009. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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

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 the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a

hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

|                                 |    |                                  |
|---------------------------------|----|----------------------------------|
| By Mail or Facsimile            | OR | By Hand Delivery                 |
| Agency Clerk                    |    | Agency Clerk                     |
| Office of Financial Regulation  |    | Office of Financial Regulation   |
| P.O. Box 8050                   |    | The Fletcher Building, Suite 118 |
| Tallahassee, Florida 32314-8050 |    | 101 East Gaines Street           |
| Phone: (850)410-9889            |    | Tallahassee, Florida 32399-0379  |
| Fax: (850)410-9663              |    | Phone: (850)410-9889             |

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 28, 2016).

APPLICATION TO MERGE

Constituent Institutions: IBM Southeast Employees' Credit Union, Delray Beach, Florida and Mackinac Savings Bank, F.S.B., Boynton Beach, Florida  
Resulting Institution: IBM Southeast Employees' Credit Union, Delray Beach, Florida  
With Title: IBM Southeast Employees' Credit Union  
Received: November 4, 2016

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development

Final Order No. DEO-16-210

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-210 on November 4, 2016, in response to an application submitted by Palm Beach Isles Property Owners Association, Inc., - Plat No. 2 for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order rescinded Final Order DEO-16-155 and granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Agency.Clerk@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development

Final Order No. DEO-16-208

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-208 on October 31, 2016, in response to an application submitted by Ramblewood of the Trails Homeowners' Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s final order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Agency.Clerk@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No. DEO-16-205

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF KEY WEST, FLORIDA,  
ORDINANCE NO. 16-16

FINAL ORDER  
REJECTING CITY OF KEY WEST  
ORDINANCE NO. 16-16

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to section 380.05(6), Florida Statutes, and rule 28-36.002, Florida Administrative Code, rejecting land development regulations adopted by the City of Key West, Florida (“the City”), Ordinance No. 16-16 (the “Ordinance”).

FINDINGS OF FACT

1. The City of Key West is designated as an area of critical state concern by rule 28-36.002, Florida Administrative Code.
2. The Ordinance was adopted by the City on August 16, 2016, and rendered to the Department on August 21, 2016.
3. The Ordinance amends the City’s Land Development Regulations (“LDRs”) to redistribute the building permit allocations for July 1, 2016-June 20, 2017 from a minimum of 45 affordable, 36 market rate, and a maximum of 10 transient units to now allocate 91 affordable.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See section 380.05(6), Florida Statutes; see also rule 28-36.002, Florida Administrative Code.
5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. The Ordinance is inconsistent with the City’s Comprehensive Plan Policies 1-1.16.1 and 3-1.1.4.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that

area. See section 380.05(6), Florida Statutes. The Principles for Guiding Development (Principles) for the Florida Keys Area of Critical State Concern are set forth in rule 28-36.003(1), Florida Administrative Code.

8. The Ordinance is inconsistent with rule 28-36.003(1)(a), Florida Administrative Code, because it fails to “strengthen local government capabilities for managing land use and development.”

WHEREFORE, IT IS ORDERED that the Department finds that City Ordinance No. 16-16 is inconsistent with the City’s Comprehensive Plan and Principles for Guiding Development for the City of Key West Area of Critical State Concern and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/  
Taylor Teepell, Director  
Division of Community Development  
Department of Economic Opportunity

Notice of administrative rights

Any person whose substantial interests are affected by this order has the opportunity for an administrative proceeding pursuant to section 120.569, Florida statutes.

For the required contents of a petition challenging agency action, refer to Rules 28-106.104(2), 28-106.201(2), and 28-106.301, Florida Administrative Code.

Depending on whether or not material facts are disputed in the petition, a hearing will be conducted pursuant to either sections 120.569 and 120.57(1), Florida statutes, or Sections 120.569 and 120.57(2), Florida statutes.

Any petition must be filed with the agency clerk of the department of economic opportunity within 21 calendar days of the final order being published in the florida administrative register. A petition is filed when it is received by:

Agency Clerk  
Department of Economic Opportunity  
Office of the general Counsel  
107 East Madison St., MSC 110  
Tallahassee, Florida 32399-4128  
Fax: (850)921-3230

You waive the right to any administrative proceeding if you do not file a petition with the agency clerk within 21 calendar days of the final order being published in the florida administrative register.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 4th day of November, 2016.

/s/ \_\_\_\_\_  
Agency Clerk  
Department of Economic Opportunity  
107 East Madison Street, MSC 110  
Tallahassee, FL 32399-4128

By Certified U.S. Mail:  
The Honorable Craig Cates  
Mayor, Monroe County  
3132 Flagler Avenue  
Key West, FL 33040

Sue Harrison, Clerk  
Monroe County  
Board of County Commissioners  
1100 Simonton St.  
Key West, FL 33040

Thaddeus Cohen, Director  
Planning and Environmental Resources  
3140 Flagler Ave  
Key West, FL 33040

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Section XIII

Index to Rules Filed During Preceeding  
Week

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

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