

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION**Florida's Office of Early Learning**

RULE NO.: **RULE TITLE:**
 6M-4.630 Statewide Provider Contract Monitoring
 Tool for the School Readiness Program

PURPOSE AND EFFECT: The purpose of the revised rule is to align the school readiness provider contract monitoring tool with the revised school readiness provider contract.

SUBJECT AREA TO BE ADDRESSED: School Readiness Provider contract monitoring tool.

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

LAW IMPLEMENTED: 1002.82(2)(c), 1002.84 (15), 1002.85(2)(h), FS.

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

DATE AND TIME: Wednesday, December 14, 2016, 10:30 a.m. to 11:30 a.m. EST or until business is concluded, whichever is earlier.

PLACE: via GoToWebinar only. To register for the webinar, please visit:
http://www.floridaearlylearning.com/statewide_initiatives/laws_and_rules/proposed_rules.aspx

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Katerina Maroney, School Readiness Policy Supervisor, (850)717-8614. 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: : Katerina Maroney, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8614 or email Katerina.Maroney@oel.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.: **RULE TITLE:**
 59G-1.100 Medicaid Fair Hearings

PURPOSE AND EFFECT: The purpose of Rule 59G-1.100, Florida Administrative Code (F.A.C.), is to describe the Florida Medicaid Fair Hearing process conducted by the Agency for Health Care Administration. The rule clarifies the procedures for requesting a hearing and the hearing process, creates the Office of Fair Hearings, and codifies filing requirements.

SUBJECT AREA TO BE ADDRESSED: Medicaid Fair Hearings.

RULEMAKING AUTHORITY: 409.919, 409.961 FS.

LAW IMPLEMENTED: 409.285, 409.973 FS.

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

DATE AND TIME: December 14, 2016, 1:30 p.m. to 2:30 p.m.

PLACE: In Person: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407. Remote Listeners: Register to view the presentation at <https://attendee.gotowebinar.com/register/886334294331076867>. A call-in number will be provided upon successful registration through which remote attendees may listen to the discussion via telephone.

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: David Nam. 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: David Nam, Office of the General Counsel, 2727 Mahan Drive, Mail Stop 11, Tallahassee, Florida 32308-5407, telephone: (850)412-3659, e-mail: David.Nam@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received until 5:00 p.m. on December 15, 2016 and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.100 Medicaid Fair Hearings.

(1) Purpose.

This rule establishes procedures applicable to Fair Hearings conducted by the Agency for Health Care Administration (Agency) pursuant to section 409.285(2), Florida Statutes (F.S.).

(2) Definitions.

The following definitions are applicable to this rule:

(a) Action - In the case of a fee-for-Service (FFS) recipient, any of the following:

1. The reduction, suspension, or termination by the Agency of a previously authorized service; or

2. The denial, in whole or in part, of a requested service or supply by the Agency, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit.

(b) Adverse Benefit Determination - In the case of an enrollee, any of the following:

1. The denial, in whole or in part, of a requested service or supply by the plan, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit;

2. The reduction, suspension, or termination by the plan of a previously authorized service;

3. The denial, in whole or in part, of payment by the plan for a service;

4. The failure of the plan to provide services in a timely manner, as defined by the Agency; or

5. The denial by the plan of an enrollee's request to dispute a financial liability, including cost sharing, copayments, premiums, deductibles, coinsurance, and other enrollee financial liabilities.

(c) Authorized Representative - A person designated to request or represent the interests of the recipient or enrollee in a fair hearing.

(d) Benefit(s) - Florida Medicaid covered services, supplies, and durable medical equipment as set forth in the Florida Medicaid State Plan for FFS benefits, or applicable waiver for Florida Medicaid waiver benefits. For enrollees, benefits include expanded benefits covered by a plan as set forth under the terms and conditions of the plan's contract with the Agency.

(e) Business Day - Any day in which the Agency conducts business, excluding Saturdays, Sundays, and holidays as defined in section 110.117, F.S.

(f) Corrective Action - Corrective payments, or if appropriate, admission or readmission of a recipient or enrollee to a facility.

(g) Date of Action - The date on which an action is intended to become effective.

(h) Date of Adverse Benefit Determination - The date on which an adverse benefit determination is intended to become effective.

(i) Day - A calendar day.

(j) Disenrollment Denial - The Agency's denial of an enrollee's request for a good cause disenrollment from a plan pursuant to section 409.969, F.S.

(k) Enrollee - As defined in Rule 59G-1.010, Florida Administrative Code (F.A.C.).

(l) Fair Hearing (Hearing) - Proceedings conducted by the Agency pursuant to section 409.285(2), F.S.

(m) File(d) - Received by the Office of Fair Hearings or by the Hearing Officer during the course of a hearing.

(n) Final Order - A written order rendered by the Agency constituting final agency action in a fair hearing.

(o) Fee-For-Service Recipient - Florida Medicaid recipient receiving Benefits under the FFS delivery system.

(p) Hearing Officer - The presiding officer appointed by the Agency to conduct a fair hearing.

(q) Hearing Request - A clear, written or oral expression to the Agency requesting review of:

1. An action;

2. A plan appeal of an adverse benefit determination;

3. A disenrollment denial, pertaining to the recipient; or

4. A matter within the fair hearing jurisdiction of the Agency.

(r) Legal Holiday - As designated in section 110.117, F.S.

(s) Medical Necessity - As defined in Rule 59G-1.010, F.A.C.

(t) Notice of Action (NOA) - Written notice from the Agency to a FFS recipient regarding an action.

(u) Notice of Adverse Benefit Determination (NABD) - Written notice from a plan to an enrollee regarding an adverse benefit determination.

(v) Notice of Plan Appeal Resolution (NPAR) - Written notice from a plan to an enrollee resolving the enrollee's plan appeal.

(w) Office of Fair Hearings (Office) - The hearing authority within the Agency designated to conduct fair hearings.

(x) Plan- Managed medical assistance and long-term care plans as defined in Rule 59G-1.010, F.A.C.

(y) Plan Appeal - A review by the plan of an adverse benefit determination.

(z) Reasonable Promptness - As defined in 42 U.S.C. §1396a(a)(8).

(aa) Recipient - As defined in Rule 59G-1.010, F.A.C.

(bb) Send (Sent) - Delivery by U.S. mail, email, facsimile transmission, or hand delivery.

(cc) Service - As defined in Rule 59G-1.010, F.A.C.

(dd) Supply(ies) – As defined in Rule 59G-1.010, F.A.C.

(3) Jurisdiction and Right to a Hearing.

The Agency has jurisdiction and must provide a Fair Hearing for:

(a) A FFS Recipient who makes a Hearing Request regarding:

1. The reduction, suspension, or termination by the Agency of a previously authorized Service;

2. The denial, in whole or in part, of a requested Service or Supply by the Agency, including determinations based on the type or level of Service, requirements for Medical Necessity, appropriateness, setting, or effectiveness of a covered Benefit; or

3. The failure of the Agency to provide a timely NOA subsequent to the Agency's failure to provide all Medically Necessary Services to the Enrollee with Reasonable Promptness.

(b) An Enrollee who makes a Hearing Request regarding:

1. A Notice of Plan Appeal Resolution indicating that the Plan Appeal did not result in the reversal of a prior denial of a new Service, or the reduction, suspension or termination of a previously authorized Service, if the reversal was timely challenged by the Enrollee in accordance with the Plan Appeal procedures following the timely issuance of the Plan's NABD to the Enrollee;

2. The failure of the Plan to adhere to notice and timing requirements applicable to Plan Appeals; or

3. The failure of the Plan to timely notice the Enrollee through a NABD subsequent to the Plan's failure to provide Medically Necessary Services requested by the Enrollee to the Enrollee with Reasonable Promptness.

(c) An Enrollee who makes a Hearing Request regarding a Disenrollment Denial.

(d) A Recipient who receives notification from the Agency pursuant to rule 59G-5.110, F.A.C. that a reimbursement request is denied in whole or in part.

(e) A Recipient entitled to a Fair Hearing pursuant to section 409.285(2), F.S.

(f) The Agency need not grant a Fair Hearing if the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all Recipients.

(4) Parties.

(a) The parties to a Fair Hearing regarding FFS Benefits are the FFS Recipient and the Agency.

(b) The parties to a Fair Hearing regarding managed care Benefits are the Enrollee and the Plan. Upon request by the

Agency, the Agency may be granted party status by the Hearing Officer.

(c) The parties to a Fair Hearing regarding a Disenrollment Denial are the Enrollee and the Agency.

(d) The parties to a Fair Hearing regarding a reimbursement request pursuant to 59G-5.110, F.A.C. are the Recipient and the Agency.

(e) The parties to any Fair Hearing pursuant to section 409.285 (2), F.S., not specified herein, are the Recipient and the appropriate state agency or its designee.

(5) Pleadings, Papers, Addresses, and Service.

(a) Any pleading or paper received by the Office before 5:00 p.m. on a Business Day shall be filed as of that day. A pleading or paper received after 5:00 p.m. on a Business Day, or on a Saturday, Sunday, or legal holiday shall be filed as of 8:00 a.m. on the next Business Day.

(b) A Recipient or their Authorized Representative, must provide and maintain a mailing address of record with the Office, or, if they elect service via email must provide and maintain a valid email address of record with the Office. A Plan and legal counsel to a party must provide and maintain a valid mailing and email address on file with the Office and consent to service via email. Service at the mailing address, or email address if applicable, of record is presumed to be valid service.

(c) Each Plan, and legal counsel to a party, must maintain a designated email address with the Office. Recipients may designate an email address with the Office. The Office shall provide all Fair Hearing related communications to a party with a designated email address at that email address. Service on a party's, an Authorized Representative's, or legal counsel's designated email address is presumed to be valid service.

(d) Unless the Hearing Officer orders otherwise, every pleading and paper filed in a Fair Hearing, except applications for witness subpoenas, shall be served on each party at the mailing address of record or designated email address.

(e) Service on counsel of record or on an Authorized Representative at the mailing address of record or designated email address is presumed to be valid service on the party.

(6) Computation of Time.

(a) In computing any period of time under these Rules, by order of a Hearing Officer, or by any applicable statute, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run until the end of the next Business Day. When the period of time allowed is less than seven days, only Business Days shall be included in the computation.

(b) Five days shall be added to the time limits when service is made by regular U.S. mail. One Business Day shall be added when service is made by overnight courier. No additional time shall be added if service is made by email, facsimile transmission, or hand delivery.

(7) Appearances, Authorized Representatives, and Withdrawal.

(a) Recipients may represent themselves in a Fair Hearing, they may be represented by a non-attorney Authorized Representative, or they may be represented by an attorney authorized to practice law in the State of Florida retained by the Recipient, or a person with authority to retain counsel for the Recipient.

(b) Counsel representing a party in a Fair Hearing shall promptly file with the Office and serve on each other party a notice of appearance, which includes counsel's mailing address of record and email address. Filing of a notice of appearance shall constitute acceptance of service at the email address provided by counsel.

(c) Any person, including counsel, requesting a Fair Hearing on behalf of a Recipient, or seeking to represent a Recipient in a Fair Hearing, must provide and maintain with the Office:

1. A written authorization signed by the Recipient or by a person with legal authority to act on behalf of the Recipient, designating the person as the Recipient's Authorized Representative; and

2. A mailing address of record, and may designate an email address with the Office. As set forth herein, counsel appearing on behalf of a Recipient consents to service via email.

(d) A Recipient's provider shall not serve as an Authorized Representative in a Fair Hearing on the Recipient's behalf.

(e) Upon motion, the Hearing Officer shall grant counsel of record or an Authorized Representative leave to withdraw from representation of a party for good cause shown. The motion shall contain the mailing address, email address, if applicable, and telephone number of the party represented.

(8) Requests for Fair Hearing.

(a) A Recipient may make a Hearing Request either orally or in writing.

(b) Any person, including counsel, making a Hearing Request on behalf of a Recipient, or seeking to represent a Recipient in a Fair Hearing, must file with the Office a written authorization signed by the Recipient or by a person with legal authority to act on behalf of the Recipient, designating the person as the Recipient's Authorized Representative.

(c) A Recipient's provider shall not make a Hearing Request on the Recipient's behalf.

(d) A Fair Hearing request by a FFS Recipient must be received by the Agency within ninety (90) days of the date a required Notice of Action is sent to the Recipient.

(e) The ninety (90) day time limit for making a Hearing Request may be waived by the Agency when:

1. The Agency fails to Send a timely Notice of Action to the FFS Recipient; or

2. The Agency fails to act on a FFS Recipient's specific request for Benefits.

(f) An Enrollee must initiate and complete a Plan Appeal before making a Fair Hearing request. The Plan Appeal is complete when:

1. The Enrollee receives from the Plan a Notice of Plan Appeal Resolution indicating the Plan Appeal was not resolved wholly in the Enrollee's favor; or

2. The Plan fails to adhere to notice and timing requirements applicable to Plan Appeals.

(g) An Enrollee need not initiate and complete a Plan Appeal before making a Fair Hearing Request if the Request is based on a Plan determination or NOA rendered before March 1, 2017.

(h) A Fair Hearing Request by an Enrollee must be received by the Agency within 120 days of the date the required Notice of Plan Appeal Resolution is sent to the Enrollee.

(i) In other instances where a Recipient is entitled to a Fair Hearing, the Hearing Request must be received by the Agency within 90 days or such other time specified by law.

(9) Acknowledgement, Denial, and Dismissal of Fair Hearing Requests.

(a) The Office shall provide each party with prompt, written acknowledgement of a Fair Hearing Request. The parties shall comply with any instructions issued with the acknowledgement.

(b) A Hearing Officer may deny or dismiss a request for a Fair Hearing if:

1. The Office does not have jurisdiction over the subject matter of the Fair Hearing;

2. The Enrollee has not completed the Plan Appeal;

3. A Fair Hearing Request is untimely;

4. A person other than the Recipient makes a Hearing Request without also filing a written designation signed by the Recipient authorizing the representation;

5. The Hearing Request is made by a Recipient's provider;

6. The Recipient:

a. Files a written withdrawal of the Fair Hearing Request;
or

b. Fails to appear at the scheduled Fair Hearing without good cause;

c. The Fair Hearing is moot; or

d. The sole issue is a Federal or State law requiring an automatic change adversely affecting some or all Recipients.

(c) The Hearing Officer shall provide each party with written notice when a Fair Hearing Request is denied or dismissed.

(10) Notice of Fair Hearing.

(a) The Office shall provide each party with a written notice of Fair Hearing at least 14 days in advance of the Fair Hearing date.

(b) The Recipient may waive the 14 days advance notice requirement, upon written request.

(c) Each party shall comply with all prehearing instructions issued by the Office or a Hearing Officer.

(11) Consolidated Hearings.

The Hearing Officer may consolidate separate Fair Hearing Requests involving the same Recipient if it appears consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not prejudice the rights of the Recipient or unduly prejudice another party.

(12) Access to Case File Prior to Fair Hearing.

(a) The Recipient must be provided access to the Recipient's entire case file including all medical records and any other documents and records considered or relied upon by a Plan regarding a Plan Appeal, or by the Agency, whichever is applicable. Access to documents specified herein must be provided within seven days of the Recipient's request to the Plan or Agency.

(b) For expedited Fair Hearings, the entire case file, or any requested portion, must be provided within 24 hours of the Recipient's request.

(c) These materials shall be provided to the Recipient free of charge.

(13) Discovery; Subpoenas.

(a) Each party may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.410, Florida Rules of Civil Procedure. The Hearing Officer may issue orders to effect the purposes of discovery and to prevent delay, including the imposition of sanctions in accordance with the Florida Rules of Civil Procedure, except contempt.

(b) Upon the request of any party, a Hearing Officer may issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall indicate whether the witness is also requested to bring documents, and if so, specify the documents to be produced.

(c) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if not served by a person specified by law to serve process.

(d) Any motion to quash or limit a subpoena shall be filed with the Office or Hearing Officer and shall state the grounds relied upon.

(14) Continuances and Abandonment.

(a) The Hearing Officer may grant a continuance of a Fair Hearing for good cause shown, or upon stipulation of all parties of record. Except in cases of emergency, requests for continuance shall be made at least five days prior to the date noticed for the Hearing.

(b) The Hearing Officer may find that a Fair Hearing is abandoned if the Recipient fails to appear at a properly noticed Fair Hearing without good cause.

(15) Motions.

(a) All motions shall be in writing and filed with the Office. The motion shall state the relief requested and the grounds relied upon in support of the motion. If the movant is represented by counsel, the motion shall be accompanied by a written memorandum of law in support of the motion, unless otherwise permitted by the Hearing Officer.

(b) All motions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state whether each party has any objection to the motion. Any statement that the movant was unable to confer with another party or parties before filing the motion must provide information regarding the date(s) and method(s) by which contact was attempted.

(c) When time permits, the other parties to the Fair Hearing may, within seven days of service, file written memoranda in response to a motion. No reply to a response shall be permitted, unless leave is sought from and granted by the Hearing Officer.

(d) Motions shall be decided on the basis of the pleadings, the grounds set forth in the motion and any supporting or opposing legal memoranda, unless the Hearing Officer orders a motion hearing to resolve the issues. The Hearing Officer shall conduct such proceedings and render such orders as necessary to dispose of the issues raised by a motion.

(e) Motions for extension of time, other than a motion for continuance of the Fair Hearing, shall be filed no later than two days prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

(f) Motions made orally on the record during the course of a Fair Hearing, except for motions for extension of time or for a continuance, are exempt from these requirements, unless otherwise ordered by the Hearing Officer.

(16) Hearing Officers.

(a) A Hearing Officer shall be appointed by the Agency to preside over each Fair Hearing and must:

1. Ensure that the Fair Hearing is conducted in a manner consistent with these Rules and promotes the fair, just, and speedy resolution of the proceeding;

2. Be impartial and was not involved in the initial determination giving rise to the Fair Hearing; and

3. Refrain from unilateral communications with a party or a party's representative regarding the substance of the issues presented in the Fair Hearing; if any such communication occurs, the Hearing Officer shall document the communication in the record of the Fair Hearing.

(b) The Hearing Officer shall have the authority to issue any and all orders and render rulings consistent with these Rules.

(17) Conduct of Hearing.

(a) Hearings conducted pursuant to these Rules are only open to the parties and their witnesses, unless authorized by the Hearing Officer and with the consent of the Recipient.

(b) Each Fair Hearing shall be a de novo, evidentiary proceeding, and shall be conducted in a manner that meets the requirements of this Rule.

(c) Each Fair Hearing shall be conducted by telephone or in such manner as prescribed by the Hearing Officer. The Hearing Officer has the authority to swear witnesses and take their testimony under oath. Testimony taken by telephone or other telecommunications media does not require that a notary be present with the witness to administer the oath, however the Hearing Officer must be satisfied as to the identity of the party or witness testifying.

(d) Each Fair Hearing shall be recorded. A copy of the recording shall be provided to the Recipient, upon request and free of charge.

(e) The Recipient must have access to the Recipient's entire case file including all medical records and any other documents and records considered or relied upon by a Plan regarding a Plan Appeal, or by the Agency, whichever is applicable, during the course of the Hearing. These materials shall be provided upon the Recipient's request free of charge.

(f) When the Plan is a party, it shall file with the Office or Hearing officer all legal authorities, Medicaid policies and regulations, and contractual provisions relied upon for its determination of any issues presented in the Fair Hearing. The Recipient must have access to this information during the course of the Hearing.

(g) The burden of proof is on the party asserting the affirmative of an issue, except as otherwise required by statute. The burden of proof is on the Agency or Plan, whichever is applicable, when the issue presented is the suspension, reduction, or termination of a previously authorized service. The burden of proof is on the Recipient when the issue presented is the denial or a limited authorization of a Service. The party with the burden of proof shall establish its position to the satisfaction of the Hearing Officer by a preponderance of the evidence.

(h) Opening and closing statements may be presented by each party.

(i) The Recipient shall be entitled to:

1. Introduce evidence relevant to the issues presented;

2. Examine and rebut any evidence presented by another party through the introduction of rebuttal evidence, and examination and cross-examination of any witness;

3. If documentary evidence is received in the form of a copy or excerpt, to compare the copy with the original, if available and to conduct cross-examination when such documents are made a part of the record;

4. Call witnesses at the Hearing;

5. Cross-examine adverse witnesses; and

6. Impeach any witness.

(j) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be taken only on oath or affirmation.

(k) Hearsay evidence may be used to supplement or explain evidence but is not sufficient in itself to support a finding, unless the evidence is within an exception to the Hearsay Rule under sections 90.801-.805, F.S.

(l) When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material(s). Official recognition may be requested by motion and shall be granted or denied, in whole or in part, at the discretion of the Hearing Officer and in accordance with the provisions governing judicial notice in sections 90.201-.203, F.S.

(m) The rules of privilege apply to the same extent as in civil actions under Florida law.

(n) If the Fair Hearing involves medical issues, such as those concerning a diagnosis, an examining physician's report or a medical review team's decision, and if the Hearing Officer considers it necessary to have a medical assessment other than that performed by the individual involved in making the original decision, such a medical assessment must be obtained at expense of the Agency, in a Hearing for a FFS Recipient, or the Plan, in a Hearing for an Enrollee, whichever is applicable, and made part of the record.

(o) Post-Hearing submissions can be authorized by the Hearing Officer with the consent of the Recipient.

(p) Rehearing or reconsideration of a Final Order is prohibited under these Rules.

(18) Final Orders.

(a) A Hearing Officer shall render a Final Order in each Fair Hearing.

(b) The Final Order shall be rendered within 90 days of the date of the request for a Fair Hearing, unless the time period is waived by the Recipient or extended by order of the Hearing Officer.

(c) The Final Order must be based exclusively on evidence introduced at the Hearing and any post-Hearing submission authorized by the Hearing Officer. Findings of fact shall be based upon a preponderance of the evidence, unless otherwise provided by statute, and shall be based exclusively on the evidence of record and on matters officially recognized.

(d) The Final Order shall be in writing. It shall include a caption, specify the time and place of the Fair Hearing, list the parties and witnesses who appeared at the Fair Hearing, a statement of the issues addressed, findings of fact, conclusions of law, and the resolution of the issues.

(e) The Final Order shall be sent to each party on the date rendered.

(f) The Final Order may prescribe corrective action retroactively to the date the incorrect action was taken.

(g) The Final Order shall include notice to the Recipient of the right to seek judicial review, the procedure which must be followed, and the time limits which apply.

This Rule becomes effective March 1, 2017.

Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.285, 409.973 FS. History—New _____.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.: RULE TITLE:

60FF1-5.011 Text to 911

PURPOSE AND EFFECT: The Board proposes the development of a new rule to determine how the funds are distributed for texting to 911.

SUBJECT AREA TO BE ADDRESSED: To determine how funds are distributed for texting to 911.

RULEMAKING AUTHORITY: 365.172(6)(a)(11) FS.

LAW IMPLEMENTED: 365.172(6)(a)3.b. (e) 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: Heath Beach, Chief, Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 135, Tallahassee, Florida 32399-0950, (850)921-2334

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: RULE TITLE:

60S-11.001 Definitions

PURPOSE AND EFFECT: To amend form DP-EXT, FRS Pension Plan Extension of DROP for Specified K-12 Instructional Personnel, to include the printed name and position title of the Superintendent or designee from the agency. To amend other forms and rule language as necessary.

SUBJECT AREA TO BE ADDRESSED: Form DP-EXT

RULEMAKING AUTHORITY: 121.031, 121.091(13) FS.

LAW IMPLEMENTED: 121.021, 121.091(13), 1012.01 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349

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 Retirement - Optional Retirement Program

RULE NO.: RULE TITLE:

60U-1.012 Program Administration

PURPOSE AND EFFECT: Amend ORP-RMD form to correct distribution options for those applying for a required minimum distribution.

SUBJECT AREA TO BE ADDRESSED: ORP-RMD form.

RULEMAKING AUTHORITY: 121.031, 121.35 FS.

LAW IMPLEMENTED: 121.031, 121.35 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349

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

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service Optional Annuity Program

RULE NO.: RULE TITLE:

60V-1.007 Approved Forms

PURPOSE AND EFFECT: Amend OAP-RMD form to correct distribution options for those applying for a required minimum distribution. Amend OAP-CHANGE form to update providers.

SUBJECT AREA TO BE ADDRESSED: OAP-RMD and OAP-CHANGE forms.

RULEMAKING AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.031, 121.055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NO.: RULE TITLE:

61K1-3.016 Pre-Match Physical of Participant and Referee

PURPOSE AND EFFECT: This rule is proposed to set out the requirements of the pre-match physical of the fight participants and the referees.

SUBJECT AREA TO BE ADDRESSED: Pre-match physical requirements.

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.006, 548.041(1)(b), 548.046(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Waters, Executive Director, Florida State Boxing

Commission, 2601 Blair Stone Road, Tallahassee, FL 32399-1016 or telephone: (850)488-8500

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: RULE TITLES:

64B15-12.003 Applications for Licensure

64B15-12.005 Limited Licensure

64B15-12.010 Temporary Certificate to Practice in an Area of Critical Need

64B15-12.011 Temporary Certificate for Active Duty Military and Veterans Practicing in Areas of Critical Need

PURPOSE AND EFFECT: The proposed rule amendments are necessary to incorporate the revised applications for licensure into the appropriate rules.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the revised applications for licensure.

RULEMAKING AUTHORITY: 459.005, 459.0055, 459.0075, 459.0077 FS.

LAW IMPLEMENTED: 456.013, 456.0135, 456.0635, 459.0055, 459.0065, 459.0075, 459.0076, 4459.00761, 59.0077, 459.0085 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: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-2.001 Fees

PURPOSE AND EFFECT: The proposed changes clarify that incomplete applications expire after one year pursuant to section 456.013(1), F.S., and require an application fee and a new application to be considered for licensure.

SUBJECT AREA TO BE ADDRESSED: Fees for application for licensure.

RULEMAKING AUTHORITY: 456.025(1), (3), 486.025, 486.041, 486.081(2), 486.085 FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), (3), (10), (11), 456.036(3), (4), (7), (8), (12), 456.065(3), 486.041, 486.061, 486.081, 486.085(1), (4), 486.103, 486.106, 486.107, 486.108(1), (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: Allen Hall, Executive Director, Board of Physical Therapy, 4052 Bald Cypress Way Bin C-05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:

- 69A-62.0001 Definitions
- 69A-62.021 Minimum Requirements for a Firefighter Employer Comprehensive Safety and Health Program
- 69A-62.030 Definitions

PURPOSE AND EFFECT: These rules are being amended to update the definitions, remove unnecessary verbiage, and remove references to a website that is no longer available.

SUBJECT AREA TO BE ADDRESSED: Firefighter employment standards.

RULEMAKING AUTHORITY: 633.104(1), 633.128(1)(a), 633.506, 633.508, 633.516, 633.518, FS.

LAW IMPLEMENTED: 633.128(1)(a), 633.504, 633.508, 633.512, 633.516, 633.520, 633.522, 633.526, 633.518, 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, December 16, 2016, 9:00 a.m. - 10: a.m.

PRESIDING OFFICER: MIKE TUCKER

PLACE: Florida State Fire College, 11655 NW Gainesville Road, Ocala FL 34482

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: Mike Tucker, telephone: (352)369-2829, email:

Mike.Tucker@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Tucker, Assistant Superintendent, Florida State Fire College, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services address: 11655 NW Gainesville Rd., Ocala, FL 34482, telephone: (352)369-2829, email: Mike.Tucker@myfloridacfo.com

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

**Section II
Proposed Rules**

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: RULE TITLE:

60S-11.004 Benefits

PURPOSE AND EFFECT: The amendment of form DP-PAYT, DROP Selected Payout Method, to require an account number and add a section on page two which clearly indicates the rollover amount to the custodian.

SUMMARY: Amend form DP-PAYT

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: 121.031, 121.091(13) F.S.

LAW IMPLEMENTED: 121.091, 121.131 F.S.

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: Garry Green, Chief, Bureau of Research and Member Communications, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL 32311, (850)414-6349

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-11.004 Benefits.

(1) through (11) No change.

(12) DROP Distribution – Upon the participant’s termination of all employment as defined in paragraph 60S-6.001(69)(b), F.A.C., the deferred resignation becoming effective, and the conclusion of the DROP participation period, or upon the death of the participant, or for an elected officer as provided in subsection (10) benefits shall be paid or distributed as follows:

(a) No change.

(b) The total accumulated DROP benefits will be distributed to the participant, or, if deceased, to the participant’s joint annuitant or beneficiary as appropriate, provided the Division receives:

1. through 3. No change.

4. From all participants, Form DP-PAYT, effective 12/16, (Rev. _____ 10/12) <http://www.flrules.org/Gateway/reference.asp?No=Ref-01974> http://www.flrules.org/Gateway/reference.asp?No=Ref-_____, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Selected Payout Method, herein adopted by reference, submitted by the participant which may be obtained by calling the Division Toll Free at (844)377-1888, if calling from outside the Tallahassee calling area or locally at (850)607-6500, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771, or if the participant has died, Form FST-11g, Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment, as adopted in paragraph 60S-4.008(1)(a), F.A.C., must be completed by his or her beneficiary, notifying the Division as to which of the following methods of payment he or she has chosen:

- a. Lump sum,
- b. Direct rollover, or
- c. Combined partial lump sum and rollover.

A DROP participant or beneficiary who submits all required forms, but fails to elect a method of payment within 60 days of termination of DROP, will automatically receive a lump sum distribution, less applicable withheld taxes.

5. No change.

(13) through (14) No change.

Rulemaking Authority 121.031, 121.091(13)(k) FS. Law Implemented 121.091, 121.131 FS. History–New 9-16-03, Amended 4-5-12, 3-25-13, 5-19-14, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Stevens, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 27, 2016

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-31.001 Colon Hydrotherapy

PURPOSE AND EFFECT: This rule is being repealed because rule text from this rule has been transferred to 64B7-25.001 and 64B7-28.004 rendering the rule unnecessary.

SUMMARY: Rule being repealed.

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

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

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

RULEMAKING AUTHORITY: 456.036, 480.035(7), 480.041(4) FS.

LAW IMPLEMENTED: 456.036, 480.032, 480.033, 480.041(4) 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: Kama Monroe, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-31.001 Colon Hydrotherapy.

Rulemaking Authority 456.036, 480.035(7), 480.041(4) FS. Law Implemented 456.036, 480.032, 480.033, 480.041(4) FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04, 2-27-06, 8-9-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Massage Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2015

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.

SUMMARY: Update and incorporate application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

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

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

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

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

RULEMAKING AUTHORITY: 464.006 FS.

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

64B9-4.011 Dispensing Practitioners.

(1) Those ARNP’s whose protocols permit them to dispense medications for a fee as contemplated by Section 465.0276, F.S., must register with the Board of Nursing by submitting a completed Dispensing Application for ARNP’s, form number DH-MQA 1185, 10/13 ~~3/09~~, and hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or from the Board office or on the Board’s website: <http://www.FloridasNursing.gov> this form into the rule.

(2) No change.

Rulemaking Authority 464.006 FS. Law Implemented 465.0276, 464.012(3), (4) FS. History—New 9-16-91, Formerly 21O-16.003, 61F7-4.011, 59S-4.011, Amended 5-14-07, 9-1-10, _____.

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 4, 2013

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:

68B-3.002 Repeal of Chapters 27473 and 30665, Collier County Special Acts of Local Application

68B-3.009 Brevard County: Turkey Creek and Crane Creek Gear Specifications; Definitions

68B-3.028 Repeal and Readoption of Portions of Escambia and Santa Rosa Counties Special Acts

68B-3.029 Repeal and Readoption of Portions of Chapter 69-1097, Laws of Florida (1969), as Amended by Chapter 70-707, Laws of

- 68B-3.031 Florida (1970), and Chapter 73-482 (1973),
Hernando County Special Act
Repeal and Readoption of Portions of
Chapter 21365, Laws of Florida (1941),
Manatee County Special Act
- 68B-3.032 Repeal of Portions of Chapter 71-770, Laws
of Florida (1971), Martin County Special
Act
- 68B-3.033 Repeal of Chapter 21147, Citrus County
Special Act of Local Application
- 68B-3.034 Repeal of Dade County Special Act local
Application
- 68B-3.035 Repeal of Gulf County Special Act of Local
Application
- 68B-3.036 Repeal of Portions of Chapter 6311,
Lafayette County Special Act of Local
Application
- 68B-3.037 Repeal of Chapter 15306, and Portions of
Chapter 70-778, Lee County Special Acts of
Local Application
- 68B-3.038 Repeal of Portions of Chapters 8796, 20045,
and 31137, Palm Beach County Special Acts
of Local Application
- 68B-3.039 Repeal of Chapter 71-838 and Portions of
Chapters 6638, 14305, 65-2078, and 71-838,
Pasco County Special Acts of Local
Application
- 68B-3.040 Repeal of Portions of Chapters 21099,
23480, 27467, 29433, 76-482, and 81-465,
Pinellas County Special Acts of Local
Application
- 68B-3.042 Repeal of Portions of Chapters 24890 and
70-930, Sarasota County Special Acts of
Local Application
- 68B-3.043 Repeal of Portions of Chapter 65-2369,
Walton County Special Acts of Local
Application

PURPOSE AND EFFECT: The purpose of this rulemaking is to repeal or amend outdated rule language found in Chapter 68B-3, Florida Administrative Code, and in Florida’s Special Acts of Local Application that appears to authorize the use of net gear that is prohibited by Article X, Section 16 of the Florida Constitution (Net Limitation Amendment), or that references penalties for violations involving the use of illegal net gear that are inconsistent with more recently established statewide statutory penalties created by the Legislature.

The Net Limitation Amendment was adopted by Florida voters in 1994 and became effective July 1, 1995, and prohibits the use of any gill or entangling net in any Florida waters, and the use of any net that contains more than 500 square feet of mesh area in nearshore and inshore Florida waters. Some of the local gear regulations in Division 68B, Florida Administrative Code, and in Florida’s Special Acts of Local Application (Special Acts) that were established prior to

the Net Limitation Amendment have not been updated, and appear to authorize the use of prohibited net gear in certain areas of the state. These outdated regulations conflict with provisions of the Net Limitation Amendment and can lead a person to believe that the use of net gear prohibited under the Net Limitation Amendment is still allowed in specific areas. Several Special Acts of Local Application that implement outdated net gear regulations also establish specific penalties for the use of net gear in violation of that specific regulation. The Legislature has since provided penalties for net fishing violations and other fishery violations in Florida Statutes that apply consistently statewide. Repealing the outdated penalties in the Special Acts will eliminate confusion and clarify that the relevant penalties listed in Florida Statute apply.

The effect of this rulemaking will be to reduce confusion and improve the clarity of Florida’s statewide fishing gear regulations and to create greater consistency with respect to fishing regulations around the state. This rulemaking will not conflict with existing federal management plans.

SUMMARY: This rulemaking would repeal or amend outdated rule language found in Chapter 68B-3, Florida Administrative Code, and within Florida’s Special Acts of Local Application (Special Acts) that are in conflict with provisions of the Net Limitation Amendment or that references penalties for violations involving the use of illegal net gear that are inconsistent with more recently established statewide penalties in Florida Statutes created by the Legislature. Removing or amending these outdated local saltwater fishing gear regulations will allow consistent application of current statewide regulations, and will reduce confusion and improve the clarity of Florida’s statewide saltwater fishing regulations.

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

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-3.002 Repeal of Chapters 27473 and 30665, and Portions of Chapters 20159 and 26045, Collier County Special Acts of Local Application.

(1) The Fish and Wildlife Conservation Commission has determined that the repeal of Collier County Special Acts of Local Application, Chapter 27473, Laws of Florida (1951), and Chapter 30665, Laws of Florida (1955), will not adversely affect the marine resources of Collier County or of the State of Florida, therefore Collier County Special Acts Chapter 27473, Laws of Florida (1951), and Chapter 30665, Laws of Florida (1955), are hereby repealed.

(2) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Collier County Special Acts of Local Application, Chapter 20159, Laws of Florida (1939), and Chapter 26045, Laws of Florida (1949), will not adversely affect the marine resources of Collier County or of the State of Florida.

(a) Section 2 of Chapter 20159, Laws of Florida (1939), is hereby repealed.

(b) Section 4 of Chapter 26045, Laws of Florida (1949), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 6-30-13, Amended _____.

68B-3.009 Brevard County: Turkey Creek and Crane Creek Gear Specifications; Definitions; Repeal of Chapters 28927, 30601, and 63-910, Brevard County Special Acts of Local Application.

(1) No person shall harvest or attempt to harvest any fish in or from the waters of Turkey Creek or Crane Creek, except with the following gear:

- (a) Hook and line gear.
- (b) Landing or dip net.
- (c) Cast net.

(d) A crab trap specifically allowed by Rule 68B-13.002, F.A.C., or Section 379.366, F.S.

(2) The phrase “waters of Turkey Creek or Crane Creek” means all waters of those two creeks in Brevard County, including any tributary emptying into said creeks, westward of a line drawn between the two easternmost points of land at the respective mouths of the creeks.

(3) The Fish and Wildlife Conservation Commission has determined that the repeal of Brevard County Special Acts of Local Application, Chapter 28927, Laws of Florida (1953), Chapter 30601, Laws of Florida (1955), and Chapter 63-910, Laws of Florida (1963), will not adversely affect the marine resources of Brevard County or of the State of Florida, therefore Brevard County Special Acts Chapter 28927, Laws of Florida (1953), Chapter 30601, Laws of Florida (1955), and Chapter 63-910, Laws of Florida (1963), are hereby repealed.

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 4-18-90, Formerly 46-3.009; Amended _____.

68B-3.028 Repeal and Readoption of Portions of Escambia and Santa Rosa Counties Special Acts.

(1) The Marine Fisheries Commission has determined that the repeal of the following Escambia and Santa Rosa Counties Special Acts or portions thereof, as enumerated in subsection (2), and that the readoption of portions of Chapter 7584, Laws of Florida (1917), and of Chapter 78-502, Laws of Florida (1978), in conjunction with the adoption of comprehensive gear rules in Chapter 68B-4, F.A.C., will not adversely affect the marine resources of these counties or of the State of Florida.

(2) The following special acts and portions thereof applicable to Escambia and Santa Rosa Counties, rules of the Department of Natural Resources pursuant to Section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, are hereby repealed ~~pursuant to the following schedule:~~

(a) Section 2 of Chapter 78-501, Laws of Florida (1978), is repealed effective January 1, 1995. Applicable to Escambia County, this section establishes a minimum mesh size for nets in the county.

(b) Section 4 of Chapter 78-501, Laws of Florida (1978), is hereby repealed. Applicable to Escambia County, Section 4 sets penalties for the use of net gear in violation of Chapter 78-501, Laws of Florida (1978), that are inconsistent with more recently established statewide statutory penalties created by the Legislature.

~~(c)~~(b) Chapter 78-502, Laws of Florida (1978), a law regulating net size and the use of nets applicable to Escambia and Santa Rosa Counties is repealed effective January 1, 1993.

~~(d)(e)~~ Chapter 7584, Laws of Florida (1917), is repealed effective January 1, 1993. Applicable to Santa Rosa County, this law establishes a minimum mesh size and minimum length for seines used in the county.

~~(e)~~ Section 2 of Chapter 26212, Laws of Florida (1949), is hereby repealed. Applicable to Santa Rosa County, Section 2 establishes penalties for the use of net gear in violation of Chapter 26212, Laws of Florida (1949), that are inconsistent with more recently established statewide statutory penalties created by the Legislature.

~~(f)~~ Section 2 of Chapter 78-613, Laws of Florida (1978), is hereby repealed. Applicable to Santa Rosa County, Section 2 sets penalties for the use of net gear in violation of Chapter 78-613, Laws of Florida (1978), that are inconsistent with more recently established statewide statutory penalties created by the Legislature.

~~(3) Use or Purse Seines Prohibited in Escambia and Santa Rosa Counties — Except as provided in this subsection, no person shall fish with, set, or place any purse seine in the saltwaters of Escambia and Santa Rosa Counties landward of the Colregs Demarcation line. The Marine Fisheries Commission finds that the harvest of menhaden by purse seine in the inside waters of Escambia and Santa Rosa Counties during the summer months serves the public purpose of avoiding the nuisance and public health problems associated with menhaden die offs during these months. The Commission also finds that this harvest will not adversely affect the long term abundance of menhaden in the area, if appropriate restrictions on seasonal and total annual harvest are adopted. Accordingly, menhaden (any species of the genus Brevoortia) may be harvested in the inside waters of these counties (landward of the Colregs Demarcation Line) by or with the use of a purse seine, subject to the following conditions:~~

~~(a) The fishing season for the commercial harvest of menhaden in the inside waters of Escambia and Santa Rosa Counties shall open on June 1 of each year and close on May 31 of the following year, unless closed earlier pursuant to paragraphs (b) or (c).~~

~~(b) If the total commercial harvest of menhaden in these counties during the period beginning on June 1 and ending on October 31 of each year is not projected to reach 1,000,000 pounds, the menhaden purse seine season for the inside waters of Escambia and Santa Rosa Counties shall be closed on November 1 by the Executive Director of the Commission upon notice and in the manner provided in Section 120.81(5), Florida Statutes. If the season is closed pursuant to this paragraph, it shall not reopen until the following June 1.~~

~~(c) If the total commercial harvest of menhaden in these counties during a particular season is projected to reach 3,000,000 pounds before May 31, the menhaden purse seine~~

~~season for the inside waters of Escambia and Santa Rosa Counties shall be closed on the date such harvest is projected to reach that amount by the Secretary of the Department of Environmental Protection upon notice and in the manner provided in Section 120.81(5), Florida Statutes. If the season is closed pursuant to this paragraph, it shall not reopen until the following June 1.~~

~~(d) The total commercial harvest of menhaden in Escambia and Santa Rosa Counties during a particular commercial fishing season shall consist of those menhaden commercially harvested by all forms of gear from all waters of these counties and waters of the federal Exclusive Economic Zone (EEZ) contiguous to such waters, based on projections from official statistics collected and maintained by the Florida Department of Environmental Protection pursuant to Florida's Marine Fisheries Information System, Chapter 62R-5, F.A.C. The count shall begin with menhaden harvested on or after June 1 and continue until May 31 of the following year or until the harvest limit prescribed in paragraph (c) is reached, whichever occurs first.~~

~~(e) The following gear and area restrictions shall apply to any person harvesting menhaden by or with the use of any purse seine in the inside waters of Escambia and Santa Rosa Counties:~~

~~1. No person shall harvest menhaden in these waters by or with the use of a purse seine from any vessel with a documented length of 40 feet or greater.~~

~~2. No purse seine with a total length longer than 400 yards shall be fished with, set, or placed in the water pursuant to this subsection.~~

~~3. No person harvesting menhaden pursuant to this subsection shall fish with, set, or place any purse seine in the waters of Big Lagoon, Santa Rosa Sound, Escambia Bay north of the railroad trestle across the bay just north of the Interstate 10 bridge, Blackwater Bay north of the respective Interstate 10 bridge across the bay, or in any bayou in the inside waters of these counties, except Bayou Texar and Bayou Chico. For the limited purposes of this subsection, this subparagraph shall supersede the provisions of section 1 of Chapter 78-501, Laws of Florida.~~

~~4. No person harvesting menhaden pursuant to this subsection shall fish with, set, or place any purse seine in the waters of Escambia or Santa Rosa Counties during any weekend (between official sunset on Friday through official sunrise on the following Monday) or on any state holiday as specified in Section 110.117(1), Florida Statutes.~~

~~5. Species other than menhaden harvested as an incidental bycatch in the course of purse seine harvest pursuant to this subsection shall not be deemed to have been unlawfully harvested if the combined whole weight of such bycatch does not exceed two percent by weight of all fish in possession of~~

~~the harvester in or on the inside waters of Escambia or Santa Rosa Counties at any time, except that any fish for which the Marine Fisheries Commission has established a bag limit shall not be retained and shall be released free, alive, and unharmed.~~

~~(4) Minimum Mesh Size for Gill and Trammel Nets in Escambia and Santa Rosa Counties — Until January 1, 1995, no person shall fish with, set or place in the saltwaters of Escambia or Santa Rosa Counties any gill or trammel net with a stretched mesh of less than 2 5/8 inches.~~

~~(5) Minimum Seine Length in Santa Rosa County — Beginning January 1, 1993 the use of a seine less than 350 yards in length in the saltwaters of Santa Rosa County is prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 11-26-92, Amended 8-3-94, Amended _____, Formerly 46-3.028.

68B-3.029 Repeal and Readoption of Portions of Chapter 69-1097, Laws of Florida (1969), as Amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482 (1973), Hernando County Special Act; Repeal of Portions of Chapters 18571 and 69-1103, Hernando County Special Acts of Local Application.

(1) The Marine Fisheries Commission has determined that the repeal and readoption of portions of Chapter 69-1097, Laws of Florida (1969), as amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482, Laws of Florida (1973), a Hernando County Special Act, in conjunction with the adoption of comprehensive gear rules in Chapter 68B-4, F.A.C., will not adversely affect the marine resources of Hernando County or of the State of Florida. The law prohibits stop netting, establishes a minimum mesh size and length for nets and seines, and provides for law enforcement and penalties.

(2) Chapter 69-1097, Laws of Florida (1969), as amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482, Laws of Florida (1973), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to Section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, is hereby repealed effective January 1, 1993.

(3) Prohibition of the Use of a Beach or Haul Seine from a Vessel Under Power – Beginning January 1, 1993, no person shall harvest fish from the saltwaters of Hernando County south of Raccoon Point, with a beach or haul seine from:

(a) A vessel propelled by any type of gasoline or diesel engine or engines, motor or motors, inboard or outboard; or

(b) Any vessel being pulled, towed, or pushed by another vessel which is propelled by any type of gasoline or diesel

engine or engines, motor or motors, whether inboard or outboard.

(4) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Hernando County Special Acts of Local Application, Chapter 18571, Laws of Florida (1937), as amended by Chapter 19863, Laws of Florida (1939), and portions of Chapter 69-1103, Laws of Florida (1969), will not adversely affect the marine resources of Hernando County or of the State of Florida.

(a) Section 3 of Chapter 18571, Laws of Florida (1937), as amended by Chapter 19863, Laws of Florida (1939), is hereby repealed.

(b) Section 3 of Chapter 69-1103, Laws of Florida (1969), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 11-26-92, Amended 9-30-96, Amended _____, Formerly 46-3.029.

68B-3.031 Repeal and Readoption of Portions of Chapter 21365, Laws of Florida (1941), Manatee County Special Act.

(1) through (2) No change.

(3) Closed Areas for Fishing in Manatee County – Beginning January 1, 1993 no person shall fish with, set, or place any seine, haul seine, drag net, gill net, stop net, or any other seine or net, in the waters of the Manatee River and any of its tributaries and in the waters of Terra Ceia Bay and any of its tributaries, bayous and inlets in Manatee County, Florida as specified in paragraph (3)(a), except as expressly authorized in paragraph (3)(b).

(a) For purposes of this Rule, the Manatee River is defined as all the waters of the river and its tributaries lying east of a line drawn from Davis Point, sometimes called Bishop's Point, due north to the north bank thereof, and Terra Ceia Bay is defined as all the waters of the bay and its tributaries, bayous and inlets east of a line drawn from Snead's Point to Terra Ceia Point.

(b) Fishing with a common hand cast net, as defined in Rule 68B-4.002(2), F.A.C., or a common bait net, defined as one not over 100 feet in length and not over 4 feet in depth, is permitted in all of the areas described in paragraph (3)(a). ~~In Terra Ceia Bay, as defined in paragraph (3)(a), no person shall use a gill net with a mesh size of less than 3 inches stretched mesh.~~

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 11-26-92, Amended _____, Formerly 46-3.031.

68B-3.032 Repeal of Portions of ~~Chapters Chapter~~ 71-770, 18683, and 19971, Laws of Florida (1971), Martin County Special Acts Aet.

(1) The Marine Fisheries Commission has determined that the repeal of portions of Chapter 71-770, Laws of Florida (1971), a Special Act of Martin County, in conjunction with the adoption of comprehensive gear rules in Chapter 68B-4, F.A.C., will not adversely affect the marine resources of these counties or of the State of Florida. The portions of the law being repealed regulate gill net mesh, allowable twine and the manner of measuring mesh.

(a)(2) Sections 4 and 5 of Chapter 71-770, Laws of Florida (1971), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to Section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, are repealed effective January 1, 1995.

(b) Sections 7, 14, and 15 of Chapter 71-770, Laws of Florida (1971), rules of the Fish and Wildlife Conservation Commission (formerly the Department of Natural Resources) pursuant to Section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, are hereby repealed.

(2) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Martin County Special Acts of Local Application, Chapter 18683, Laws of Florida (1937), and Chapter 19971, Laws of Florida (1939), will not adversely affect the marine resources of Martin County or of the State of Florida.

(a) Section 2 of Chapter 18683, Laws of Florida (1937), is hereby repealed.

(b) Section 2 of Chapter 19971, Laws of Florida (1939), is hereby repealed.

(3) Allowable Nets in Martin County – Beginning January 1, 1993, no person shall fish with, set, or place in the inside waters of Martin County any net or trap except for the following:

(a) Minnow seines no more than ~~not over~~ thirty feet in length with no more than 500 square feet of mesh area, ~~long~~ used only for catching bait;

(b) Cast nets;

(c) Landing or dip nets;

(d) Crab traps authorized pursuant to Rule Chapter 68B-45, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New 11-26-92, Amended 9-30-96, Amended _____, Formerly 46-3.032.

68B-3.033 Repeal of Chapter 21147, Citrus County Special Act of Local Application.

The Fish and Wildlife Conservation Commission has determined that the repeal of Citrus County Special Act of Local Application, Chapter 21147, Laws of Florida (1941), will not adversely affect the marine resources of Citrus County or of the State of Florida, therefore Citrus County Special Act of Local Application, Chapter 21147, Laws of Florida (1941), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New _____.

68B-3.034 Repeal of Dade County Special Act of Local Application.

The Fish and Wildlife Conservation Commission has determined that the repeal of Dade County Special Act of Local Application, Chapter 6574, Laws of Florida (1913), will not adversely affect the marine resources of Dade County or of the State of Florida, therefore Dade County Special Act of Local Application, Chapter 6574, Laws of Florida (1913), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New _____.

68B-3.035 Repeal of Gulf County Special Act of Local Application.

The Fish and Wildlife Conservation Commission has determined that the repeal of Gulf County Special Act of Local Application, Chapter 79-466, Laws of Florida (1979), will not adversely affect the marine resources of Gulf County or of the State of Florida, therefore Gulf County Special Act of Local Application, Chapter 79-466, Laws of Florida (1979), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New _____.

68B-3.036 Repeal of Portions of Chapter 6311, Lafayette County Special Act of Local Application.

The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Lafayette County Special Act of Local Application, Chapter 6311, Laws of Florida (1911), will not adversely affect the marine resources of Lafayette County or of the State of Florida, therefore Sections 3 and 4 of Lafayette County Special Act of Local

Application, Chapter 6311, Laws of Florida (1911), are hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New

68B-3.037 Repeal of Chapter 15306, and Portions of Chapter 70-778, Lee County Special Acts of Local Application.

(1) The Fish and Wildlife Conservation Commission has determined that the repeal of Lee County Special Act of Local Application, Chapter 15306, Laws of Florida (1931), will not adversely affect the marine resources of Lee County or of the State of Florida, therefore Lee County Special Act of Local Application, Chapter 15306, Laws of Florida (1931) is hereby repealed.

(2) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Lee County Special Act of Local Application, Chapter 70-778, Laws of Florida (1970), will not adversely affect the marine resources of Lee County or of the State of Florida, therefore Section 3 of Lee County Special Act of Local Application, Chapter 70-778, Laws of Florida (1970), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New

68B-3.038 Repeal of Portions of Chapters 8796, 20045, and 31137, Palm Beach County Special Acts of Local Application.

(1) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Palm Beach County Special Acts of Local Application, Chapter 8796, Laws of Florida (1921), Chapter 20045, Laws of Florida (1939), and Chapter 31137, Laws of Florida (1955), will not adversely affect the marine resources of Palm Beach County or of the State of Florida.

(a) Sections 2 and 3 of Chapter 8796, Laws of Florida (1921), as amended by Chapter 11005, Laws of Florida (1925) and Chapter 15301, Laws of Florida (1931) are hereby repealed.

(b) Sections 2 and 3 of Chapter 20045, Laws of Florida (1939), are hereby repealed.

(c) Section 4 of Chapter 31137, Laws of Florida (1955), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws

of Fla., as amended by Chapter 84-121, Laws of Fla. History–New

68B-3.039 Repeal of Chapter 71-838, and Portions of Chapters 6638, 14305, and 65-2078, Pasco County Special Acts of Local Application.

(1) The Fish and Wildlife Conservation Commission has determined that the repeal of Pasco County Special Act of Local Application, Chapter 71-838, Laws of Florida (1971), will not adversely affect the marine resources of Pasco County or of the State of Florida, therefore Chapter 71-838, Laws of Florida (1971), is hereby repealed.

(2) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Pasco County Special Acts of Local Application, Chapter 6638, Laws of Florida (1913), Chapter 14305, Laws of Florida (1929), Chapter 65-2078, Laws of Florida (1965), and Chapter 71-838, Laws of Florida (1971), will not adversely affect the marine resources of Pasco County or of the State of Florida.

(a) Section 3 of Chapter 6638, Laws of Florida (1913), as amended by Chapter 8156, Laws of Florida (1919), and Chapter 588, Laws of Florida (1978), is hereby repealed.

(b) Section 3 of Chapter 14305, Laws of Florida (1929), is hereby repealed.

(c) Section 3 of Chapter 65-2078, Laws of Florida (1965), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New

68B-3.040 Repeal of Portions of Chapters 21099, 23480, 27467, 29433, 76-482, and 81-465, Pinellas County Special Acts of Local Application.

(1) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Pinellas County Special Acts of Local Application, Chapter 21099, Laws of Florida (1941), Chapter 23480, Laws of Florida (1945), Chapter 27467, Laws of Florida (1951), Chapter 29433, Laws of Florida (1953), Chapter 76-482, Laws of Florida (1976), and Chapter 81-465, Laws of Florida (1981), will not adversely affect the marine resources of Pinellas County or of the State of Florida.

(a) Section 2 of Chapter 21099, Laws of Florida (1941), is hereby repealed.

(b) Section 3 of Chapter 23480, Laws of Florida (1945), is hereby repealed.

(c) Section 3(a) and Section 4 of Chapter 27467, Laws of Florida (1951), as amended by Chapter 28968, Laws of Florida (1951), are hereby repealed.

(d) Section 2 of Chapter 29433, Laws of Florida (1953), is hereby repealed.

(e) Section 4 of Chapter 76-482, Laws of Florida (1976), is hereby repealed.

(f) Section 2 of Chapter 81-465, Laws of Florida (1981), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New

68B-3.042 Repeal of Portions of Chapters 24890 and 70-930, Sarasota County Special Acts of Local Application.

(1) The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Sarasota County Special Acts of Local Application, Chapter 24890, Laws of Florida (1947), and Chapter 70-930, Laws of Florida (1970), will not adversely affect the marine resources of Sarasota County or of the State of Florida.

(a) Section 3 of Chapter 24890, Laws of Florida (1947), is hereby repealed.

(b) Section 3 of Chapter 70-930, Laws of Florida (1970), is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New

68B-3.043 Repeal of Portions of Chapter 65-2369, Walton County Special Act of Local Application.

The Fish and Wildlife Conservation Commission has determined that the repeal of portions of Walton County Special Act of Local Application, Chapter 65-2369, Laws of Florida (1965), will not adversely affect the marine resources of Walton County or of the State of Florida, therefore Section 2 of Walton County Special Act of Local Application, Chapter 65-2369, Laws of Florida (1965) is hereby repealed.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 2, 2016

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-4.014	Southwest Florida Purse Seine Restrictions: Gear Specifications; Area Limitation; Local Law Repeals

PURPOSE AND EFFECT: The purpose of this rulemaking is to repeal outdated rule language found in Chapter 68B-4, Florida Administrative Code, that appears to authorize the use of net gear that is prohibited by Article X, Section 16 of the Florida Constitution (Net Limitation Amendment).

The Net Limitation Amendment was adopted by Florida voters in 1994 and became effective July 1, 1995, and prohibits the use of any gill or entangling net in any Florida waters, and the use of any net that contains more than 500 square feet of mesh area in nearshore and inshore Florida waters. The local gear regulations in Rule 68B-4.014, Florida Administrative Code, were established prior to the Net Limitation Amendment, have not been updated. This rule appears to allow the use of purse seines up to 600 yards in length even if they exceed 500 square feet of mesh area within nearshore and inshore Florida waters, which is expressly prohibited by the Net Limitation Amendment. These outdated regulations can lead a person to believe that the use of net gear prohibited under the Net Limitation Amendment is still allowed in specific areas.

The effect of this repeal will be to reduce confusion and improve the clarity of Florida’s statewide fishing gear regulations and to create greater consistency with respect to fishing regulations around the state. This rulemaking will not conflict with existing federal management plans.

SUMMARY: This rulemaking would repeal outdated rule language found in Chapter 68B-4, Florida Administrative Code, that conflicts with provisions of the Net Limitation Amendment. Removing this outdated local saltwater fishing gear regulation will allow consistent application of current statewide regulations, and will reduce confusion and improve the clarity of Florida’s statewide saltwater fishing regulations.

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

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-4.014 Southwest Florida Purse Seine Restrictions: Gear Specifications; Area Limitation; Local Law Repeals. Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 7-1-93, Amended 9-30-96, Formerly 46-4.014, Repealed.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 2, 2016.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-25.003 **RULE TITLE:** Old Tampa Bay: Repeal of Local Laws; Prohibition of Certain Gear

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend outdated rule language found in Chapter 68B-25, Florida Administrative Code that appears to authorize the use of net gear that is prohibited by Article X, Section 16 of the Florida Constitution (Net Limitation Amendment).

The Net Limitation Amendment was adopted by Florida voters in 1994 and became effective July 1, 1995, and prohibits the use of any gill or entangling net in any Florida waters, and the use of any net that contains more than 500 square feet of mesh area in nearshore and inshore Florida waters. Some of the local gear regulations in Division 68B, Florida Administrative Code, that were established prior to the Net Limitation Amendment have not been updated, and appear to authorize the use of prohibited net gear in certain areas of the state. These outdated regulations conflict with provisions of the Net Limitation Amendment and can lead a person to believe that the use of net gear prohibited under the Net Limitation Amendment is still allowed in specific areas.

The effect of this rulemaking will be to reduce confusion and improve the clarity of Florida’s statewide fishing gear regulations and to create greater consistency with respect to fishing regulations around the state. This rulemaking will not conflict with existing federal management plans.

SUMMARY: This rulemaking would amend outdated rule language found in Chapter 68B-25, Florida Administrative Code, that conflicts with provisions of the Net Limitation Amendment. Amending these outdated local saltwater fishing gear regulations will allow consistent application of current statewide regulations, and will reduce confusion and improve the clarity of Florida’s statewide saltwater fishing regulations.

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

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-25.003 Old Tampa Bay: Repeal of Local Laws; Prohibition of Certain Gear.

(1) Chapter 15379, Laws of Florida (1931), as amended by Chapter 18740, Laws of Florida (1937), a rule of the Department of Natural Resources pursuant to paragraph (5)(a) of section 2 of Chapter 83-134, Laws of Florida, is hereby repealed. The Marine Fisheries Commission has determined that repeal of this law affecting Pinellas and Hillsborough Counties, in conjunction with adoption of the substantive portions of this rule will not adversely affect the marine resources of the two counties or of the State of Florida.

(2) No person shall harvest any fish in and on the waters of Old Tampa Bay north of the Gandy Bridge, including any creek or bayou emptying into such waters, except with the following gear:

- (a) Hook and line gear.
- (b) Landing or dip net.
- (c) Cast net.
- ~~(d) Gill or trammel net.~~
- (e) through (f) renumbered as (d) through (e) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134 Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const. , s. 2, Chapter 83-134 Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New 1-1-90, Formerly 46-25.003, Amended 3-1-05, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 2, 2016

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-57.003	Standards of the National Fire Protection Association Adopted
69A-57.004	Occupancy Capacity of Each AFCH
69A-57.005	Evacuation Capability
69A-57.006	Fire Exit Drills

PURPOSE AND EFFECT: The purpose of this rulemaking is to address a Petition to Initiate Rulemaking filed by the Seminole County Department of Public Safety to amend Rule 69A-57.003, F.A.C. As well, the rulemaking revises Rules 69A-57.004, 69A-57.005, and 69A-57.006, F.A.C., to more closely track the language utilized in the implementing statutes and clarify the requirements of the provisions. Lastly, the amendments will include an update to the form adopted in Rule 69A-57.006, F.A.C.

SUMMARY: The rulemaking addresses a Petition to Initiate Rulemaking, clarifies the requirements of several rule sections and updates a form.

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 Division of State Fire Marshal conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in subsection 120.541(1), F.S., and it therefore does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 429.73(2), 633.104(1), FS.

LAW IMPLEMENTED: 429.73(2), 633.206(1)(b), FS.

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

DATE AND TIME: Wednesday, January 4, 2017, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Casia Sinco, telephone: (850)413-3620, email: Casia.Sinco@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, address: 200 East Gaines Street, Tallahassee, Florida 32399-0342, telephone: (850)413-3620, email: Casia.Sinco@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-57.003 Standards of the National Fire Protection Association from NFPA 101 Adopted.

~~(1) The following portions of National Fire Protection Association (NFPA) NFPA 101, the Code for Safety to Life from Fire in Buildings and Structures, known as the Life Safety Code, is adopted in subsection 69A-60.004(1), F.A.C., and the following portions are incorporated by reference in this rule chapter 2000 edition, are hereby adopted and incorporated herein by reference:~~

~~(1)(a) All of Chapter 24, “One and Two Family Dwellings,” except Section 24-3.4, “Detection, Alarm and Communication Systems.”~~

~~(2)(b) Sections 32.3.3.4.7 ~~32-3.3.4.7~~, 32.3.3.4.8 ~~32-3.3.4.8~~, and 32.3.3.5.5 ~~32-3.3.5.5~~ only, of Chapter 32.~~

~~(3)(c) Each AFCH which does not meet the evacuation capability of prompt, but which does meet an evacuation capability of slow shall also comply with the requirements of Sections Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101 National Fire Protection Association (NFPA) 101, 2000 edition, to be considered to have met the firesafety requirements under Rule 69A-57.005, F.A.C. Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, are hereby adopted and incorporated by reference.~~

~~(d) During each fire exit drill, all occupants should evacuate the building on their own or with staff assistance or any other available assistance, as needed.~~

~~(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.~~

Rulemaking Authority 429.73(2), 633.104(1) FS. Law Implemented 429.73(2), 633.206(1)(b) FS. History—New 2-7-01, Amended 11-29-01, Formerly 4A-57.003, Amended _____.

69A-57.004 Occupancy Capacity of Each AFCH. Pursuant to subsection 58A-14.004(4), F.A.C., there shall be no more than five (5) ~~5~~ occupants in any AFCH. The maximum number of residents ~~occupants~~ in any particular AFCH shall be determined by the agency in consultation with the AHJ. Pursuant to subsection 429.67(7), F.S., any relative who lives in the AFCH and who is a disabled adult or frail elder must be counted as a resident. Relative means a relative of the provider who is licensed to operate the home. If the agency has been notified in writing that there is no AHJ, the agency shall consult with an authorized representative of the division concerning resident ~~occupancy~~ capacity.

Rulemaking Authority 429.73(2), 633.104(1) FS. Law Implemented 429.67(7), 429.73(2), 633.206(1)(b) FS. History—New 2-7-01, Formerly 4A-57.004, Amended.

69A-57.005 Evacuation Capability.

(1) No change.

(2) Subject to subsection ~~(3)~~(4), if the AFCH does not achieve an evacuation capability of “prompt” during the fire exit drill, a second fire exit drill must be performed within thirty (30) 30 days of the fire exit drill in which the AFCH did not achieve an evacuation capability of “prompt.”

~~(3) If the AFCH does not achieve an evacuation capability of “prompt” during the first fire drill, but the AFCH does receive an evacuation capability of “slow,” and the AFCH is in compliance with Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, the AFCH shall be deemed to have met the required firesafety requirements. Subject to subsection (4), if the AFCH does not achieve an evacuation capability of “prompt” during the second fire exit drill, the inspector shall notify the agency that the AFCH can no longer meet the required safety requirements.~~

~~(4) If the AFCH does not achieve an evacuation capability of “prompt” during the second fire exit drill, and does not comply with the requirements of subsection (3), the inspector shall notify the agency that the AFCH no longer meets the required safety requirements. If the AFCH does not achieve an evacuation capability of “prompt” during the first fire drill, but the AFCH does receive an evacuation capability of “slow,” and the AFCH is in compliance with Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, the AFCH shall be deemed to have met the required firesafety requirements and no notification under subsection (3) shall be provided to the agency.~~

(5) During each fire exit drill, all occupants must evacuate the building on their own or with staff assistance or any other available assistance, as needed.

Rulemaking Authority 429.73(2), 633.104(1) FS. Law Implemented 429.73(2), 633.206(1)(b) FS. History—New 2-7-01, Amended 11-29-01, Formerly 4A-57.005, Amended.

69A-57.006 Fire Exit Drills.

(1) through (5) No change.

(6) The provider shall keep a record of each fire exit drill on Form DFS-K3-1437 (rev. 05/16 4/2001), Fire Exit Drill Records for Adult Family Care Homes, which is hereby adopted and incorporated into these rules by reference, ~~and shall take effect on the effective date of these rules.~~ Copies of the form may be obtained by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

(a) through (d) No change.

(7) through (8) No change.

Rulemaking Authority 429.73(2), 633.104(1) FS. Law Implemented 429.73(2), 633.206(1)(b) FS. History—New 2-7-01, Formerly 4A-57.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 30, 2016

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-19.0065 RULE TITLE: Notices of Noncompliance; Minor Violations

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. 188, September 27, 2016 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board reviewed the comments submitted by JAPC at its meeting held on November 18, 2016, and voted to change the rule. The changes are as follows:

64B15-19.0065 Notices of Noncompliance; Minor Violations.

(1) No change.

(2) The following violations are those for which the Board authorizes the Department to issue a notice of noncompliance.

(a) No change.

(b) Failure to perform one of the following statutory or legal obligations:

1. through 2. No change.

3. Dispensing medication without proper labeling, contrary to the provisions of Section 893.05(2), F.S., ~~and Rule 64B16-28.108, F.A.C.~~ This applies to dispensing practitioners only.

4. through 7. No change.

(c) No change.

Rulemaking Authority 120.695, 456.073(3), 459.005, F.S. Law Implemented 120.695, 456.073(3), F.S. History – New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kama Monroe, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on November 15, 2016, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Century Ambulance Service at 2110 Herschell St., Jacksonville, FL. Petitioner seeks a variance of the requirements of ASME A17.3, Sections 2.7.5, 3.3.2, 3.4.5, 3.10.3, 3.10.4, and 3.11.1, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2016-264).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

The 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 ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

RULE NOS.:RULE TITLES:

62B-33.002 Definitions

62B-33.0051 Coastal Armoring and Related Structures

NOTICE IS HEREBY GIVEN that on November 7, 2016, the Department of Environmental Protection received a petition for variance or waiver from Petitioner, D4 Holding, LLC. The petition requested a variance/waiver from the rule provisions of subsections 62B-33.002(18) and 62B-33.002(43), and subparagraph 62B-33.0051(1)(a)1, F.A.C, which requires that in order to qualify for a permit for coastal armoring, the structure proposed to be protected must be an eligible structure. The property is located at 3750 Coastal Highway, St. Augustine, Florida 32084. The petition has been assigned OGC No. 16-1422.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Celora Jackson, Department of Environmental Protection, MS 3522, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-7668, Celora.A.Jackson@dep.state.fl.us, during normal business hours, 8:00 a.m. – 5:00 p.m. Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida State Fair Authority Board announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2016, 10:30 a.m.

PLACE: Florida State Fairgrounds, Tampa

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New business.

A copy of the agenda may be obtained by contacting: Marian Rieger at (813)627-4221.

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: Marian Rieger at (813)627-4221. 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: Marian Rieger at (813)627-4221.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2016, 5:00 p.m.

PLACE: Florida Horse Park; 11008 S Highway 475, Ocala, FL 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Executive Committee to discuss general board business.

A copy of the agenda may be obtained by contacting: Emily Holmes at (352)307-6699 or publicrelations@flhorespark.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 2 days before the workshop/meeting by contacting: Emily Holmes at (352)307-6699 or publicrelations@flhorespark.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 12, 2017, 4:00 p.m. – 6:00 p.m. (or until complete)

PLACE: Conference call: number: 1(888)670-3525, participant code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council - Full Council Call, General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.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 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.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: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Criminal Justice Standards and Training Commission, Region VI, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2017, 10:00 a.m.

PLACE: College of Central Florida, Building 40, Century Center, Room 101, 3001 SW College Road, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish the 2017-18 operating budget and to review the 2016-17 expenditures to date.

A copy of the agenda may be obtained by contacting: College of Central Florida, attention: Steve Ash, 3001 SW College Road, Ocala, FL 34474.

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: December 7, 2016, 1:00 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 December 7, 2016. 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 or (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 at (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.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces public meetings to which all persons are invited.

DATES AND TIMES: January 31, 2017, 9:00 a.m. – 6:00 p.m.; February 1, 2017, 9:00 a.m. – 1:00 p.m. (or until complete)

PLACE: Orlando Marriott Lake Mary, 1501 International Drive, Lake Mary, Florida and via conference call: number: 1(888)670-3525, participant code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Florida Rehabilitation Council business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.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 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.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: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2016, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: Wren Krahl, wren@tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, wren@tbrpc.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: Wren Krahl, wren@tbrpc.org.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council Executive Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2016, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular business of the Executive Budget Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl, wren@tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, wren@tbrpc.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: Wren Krahl, wren@tbrpc.org.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

DATE AND TIME: December 12, 2016, 5:00 p.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Recreational Issues Meeting; a Public Workshop sponsored by the Water Resources Advisory Commission (WRAC) regarding recreational issues and opportunities within the South Florida

Water Management District. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Yvette Bonilla at ybonilla@sfwmd.gov or at our website: <https://www.sfwmd.gov/news-events/meetings>.

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: District Clerk, (561)682-6805. 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: Yvette Bonilla, (561)682-6286.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces two public meetings.

DATE AND TIME: Wednesday, December 7, 2016, 2:00 p.m., Project & Lands Committee Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: Thursday, December 8, 2016, 9:00 a.m., Governing Board Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meetings on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters.

A copy of the agendas may be obtained by contacting: Brenda Low, (561)682-6805 or at <https://www.sfwmd.gov>, seven days prior to the meeting.

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: Brenda Low, (561)682-6805. 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 these meetings or hearings, 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: Brenda Low at (561)682-6805 or blow@sfwmd.gov.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Commission for the Transportation Disadvantaged announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2016, 9:00 a.m. until completion

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

A copy of the agenda may be obtained by contacting: Julia Blanchard, 605 Suwannee Street, MS 49, Tallahassee, Florida 32399, (850)410-5700 or 1(800)983-2435.

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: Julia Blanchard, 605 Suwannee Street, MS 49, Tallahassee, Florida 32399, (850)410-5700 or 1(800)983-2435. 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: Julia Blanchard, 605 Suwannee Street, MS 49, Tallahassee, Florida 32399, (850)410-5700 or 1(800)983-2435.

SPACE FLORIDA

Space Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2016, 2:00 p.m. – 4:00 p.m., ET

PLACE: Canaveral Port Authority Chambers, 445 Challenger Road, Cape Canaveral, FL 32920

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cape Canaveral Spaceport Master Plan - Update 2016 Public Workshop.

A copy of the agenda may be obtained by contacting: Emma Newsham at enewsham@spaceflorida.gov or (321)730-5301, ext. 231.

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: Emma Newsham at enewsham@spaceflorida.gov

or (321)730-5301, ext. 231. 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: Emma Newsham at enewsham@spaceflorida.gov or (321)730-5301, ext. 231.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

The Florida E911 Board announces public meetings to which all persons are invited.

DATES AND TIMES: December 14, 2016, 9:00 a.m. to conclusion of business; December 15, 2016, 9:00 a.m. to conclusion of business

PLACE: Hilton Garden Inn, 4075 33rd Place, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters relating to the Florida E911 Board.

A copy of the agenda may be obtained by contacting: Samantha Ferrin, (850)487-7001.

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: Samantha Ferrin, (850)487-7001. 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: Samantha Ferrin, (850)487-7001.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 11, 2017, 12:00 Noon; Thursday, January 12, 2017, 8:00 a.m.; Friday, January 13, 2017, 8:00 a.m.

PLACE: Courtyard Palm Beach Jupiter, 4800 Main Street, Jupiter, FL 33458, (561)776-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983. 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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 10, 2017, 10:00 a.m.

PLACE: Phone number: 1(888)670-3525, participant code: 293 872 3619

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983. 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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 The Department of Environmental Protection announces a public meeting to which all persons are invited.
DATE AND TIME: December 9, 2016, 8:30 a.m.
PLACE: Betty Easley Center at the Capital Circle Office Center, 4075 Esplanade Way, Tallahassee, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: By the end of 2020, the State of Florida is tasked to achieve a recycling goal of 75%. In order to meet the 2020 recycling goal, Florida must find ways to improve and expand markets for recyclable materials generated in the state and assure the continued viability and growth of Florida's business infrastructure.

The Florida Department of Environmental Protection (FDEP), with assistance from the Southern Waste Exchange, Inc. (SWIX), is convening a Technical Advisory Group (TAG) made up of Florida business owners, waste management service providers, waste management and recycling consultants, local, state and federal government representatives, and non-profit organizations involved with waste management and recycling issues. These participants, in an open and moderated discussion format, will discuss and make specific recommendations to the FDEP about what the current impediments are in Florida to increasing Florida's recycling markets and what actions the state can take to overcome these obstacles. A copy of the agenda may be obtained by contacting: Karen Moore, Environmental Administrator, Waste Reduction & Recycling Program, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, Karen.S.Moore@dep.state.fl.us, (850)245-8864.

DEPARTMENT OF HEALTH
Board of Psychology
 The Board of Psychology announces public meetings to which all persons are invited.
DATES AND TIMES: January 24, 2017, 8:00 a.m., ET; March 21, 2017, 8:00 a.m., ET; May 23, 2017, 8:00 a.m., ET; July 18, 2017, 8:00 a.m., ET; September 19, 2017, 8:00 a.m., ET; November 14, 2017, 8:00 a.m., ET
PLACE: Conference call: 1(888)670-3525; when prompted, insert participant code: 7811783909 followed by the # sign
GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration. A copy of the agenda may be obtained by contacting: The Board of Psychology, 4052 Bald Cypress Way, Bin C05,

Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373 or by visiting the website at www.floridaspsychology.gov.

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

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

DEPARTMENT OF HEALTH
Board of Respiratory Care
 The Board of Respiratory Care announces a public meeting to which all persons are invited.
DATE AND TIME: February 10, 2017, 8:30 a.m., ET
PLACE: Hilton Daytona Beach/Ocean Walk Village, 100 N. Atlantic Avenue, Daytona Beach, Florida 32118
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: The Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, by calling the board office at (850)245-4373 or by visiting the website at www.floridasrespiratorycare.gov.

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

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

DEPARTMENT OF HEALTH
Division of Children's Medical Services
 The Florida Department of Health, Division of Children's Medical Services, Early Steps Program announces a telephone conference call to which all persons are invited.
DATE AND TIME: December 7, 2016, 2:00 p.m.

PLACE: Conference number: 1(888)670-3525, participant code: 6272156732#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Early Steps Best Practices Workgroup will be participating via conference call to continue development of the revised Individualized Family Support Plan.

A copy of the agenda may be obtained by contacting: Kelly.Rogers@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: Kelly.Rogers@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: Kelly.Rogers@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

DATE AND TIME: December 13, 2016, 10:00 a.m., Eastern Time

PLACE: The workshop will be available by telephone or interested parties may attend in person at Florida Housing's offices, 227 N. Bronough Street, Seltzer Room, Suite 6000, Tallahassee, Florida. The call-in information for the workshop is posted to the website: <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2017-102/>.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The workshop will be held to solicit comments and suggestions from interested persons relative to Florida Housing's proposed Request for Application (RFA) 2017-102 Housing Credit Financing to Provide Affordable Multifamily Rental Housing that is a Part of Local Revitalization Initiatives.

A copy of the agenda may be obtained by contacting: Ken Reecy, (850)488-4197.

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: Jean Salmonsens, (850)488-4197. 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 FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:RULE TITLES:

69A-60.001 Title

69A-60.002 Scope; Description of Florida Fire Prevention Code

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2012 Edition, Adopted

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2012 Edition, Adopted

69A-60.005 Publications Referenced in NFPA 1, the Florida 2012 Edition, and NFPA 101, the Florida 2012 Edition, Added to the Florida Fire Prevention Code

69A-60.006 Manufactured and Prototype Buildings

69A-60.007 Enforcement of the Florida Fire Prevention Code
The Department of Financial Services, Division of State Fire Marshal, announces a workshop to which all persons are invited.

DATE AND TIME: Friday, January 20, 2017, 1:30 p.m.

PLACE: Fire Rescue East, Ocean Center, Room MO1B, 101 N. Atlantic Avenue, Daytona Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Florida Fire Code Advisory Council and a Rule Development Workshop to promulgate the triennial update of the Florida Fire Prevention code as directed by Section 633.202(1), F.S.

A copy of the agenda may be obtained by contacting: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Casia.Sinco@myfloridacfo.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: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Casia.Sinco@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Casia.Sinco@myfloridacfo.com.

FLORIDA COMMISSION ON ACCESS TO CIVIL JUSTICE

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

DATE AND TIME: Friday, December 2, 2016, 4:00 p.m. – 5:00 p.m., ET

PLACE: Telephone conference: 1(888)376-5050, participant code: 3422772243#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To set the foundation for this Committee to begin conducting business and complete the tasks assigned pursuant to the administrative order.

A copy of the agenda may be obtained by contacting: Francisco-Javier Digon-Greer at 1(800)342-8060, ext. 5793 or email: 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 at 1(800)342-8060, ext. 5793 or email: 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 Digon-Greer at 1(800)342-8060, ext. 5793 or email: flaccessjustice@flabar.org.

ATKINS - TAMPA

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

DATE AND TIME: Wednesday, December 7, 2016, 2:00 p.m. – 3:00 p.m.

PLACE: Online at <https://attendee.gotowebinar.com/register/6904152747752008706>, or at the following viewing locations: FDOT, District Seven Flamingo Conference Room, 11201 N. McKinley Drive, Tampa, FL 33612 or the Community Viewing Location: Town ‘N Country Regional Public Library, 7606 Paula Drive, Suite 120, Meeting Rooms A & B, Tampa, FL 33615

GENERAL SUBJECT MATTER TO BE CONSIDERED: This virtual public hearing is conducted to afford affected property and business owners, interested persons and organizations the opportunity to provide comments to FDOT regarding the proposed median changes to Hillsborough Avenue (SR 580) between Sheldon Road and Himes Avenue, FPN: 437641-1, Hillsborough County. The existing medians will be closed or modified, and concrete traffic separators constructed at the following locations: 1) Buccaneer Square;

2) Lutheran Church of Our Savior; 3) Halifax Drive North and South; 4) Ker’s Winghouse; 5) Ranch House Plaza; 6) Bravo Supermarket Plaza; 7) Ambassador Drive; 8) Reflections Club Drive; 9) Archstone Drive; 10) Gazebo Plaza; 11) Marathon/5 West Apartments; 12) Beaumont Center West and East; and 13) OAI Inc./Stars Athletics.

This VPH is held pursuant to Chapters 120, 335.18, and 335.199, Florida Statutes. FDOT, District Seven, will receive verbal and written comments online and at each VPH viewing location. Written comments not received at the hearing can be emailed to: ping.hsu@dot.state.fl.us or mailed to: Peter Hsu, P.E., Project Manager, FDOT, District Seven, 11201 N. McKinley Drive, MS 7-1300, Tampa, FL 33612. All comments must be emailed or postmarked by December 19, 2016 to become part of the official VPH record. Participation via webinar is also considered part of the official VPH record. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting Peter Hsu, P.E., Project Manager, at 1(800)226-7220; (813)975-6251 or ping.hsu@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Peter Hsu, P.E., Project Manager, at 1(800)226-7220; (813)975-6251 or ping.hsu@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).

For more information, you may contact Peter Hsu, P.E., Project Manager, at 1(800)226-7220; (813)975-6251, or ping.hsu@dot.state.fl.us.

KITTELSON & ASSOCIATES, INC.

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

DATE AND TIME: Tuesday, December 13, 2016, 5:30 p.m. – 7:30 p.m.; Open House, 5:30 p.m. – 6:00 p.m.; Presentation, 6:00 p.m.

PLACE: Embassy Suites Orlando Lake Buena Vista South, Magnolia Rooms A & B, 4955 Kyngs Heath Road, Kissimmee, Florida 34746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 437174-1 & 437175-1.

Project Description: State Road (SR) 535 Corridor Planning Study from US 192 to I-4, Orange and Osceola Counties.

The Florida Department of Transportation (FDOT) is conducting a public meeting for the State Road (SR) 535 Corridor Planning Study. The study, which is the first phase in the transportation development process, is evaluating a range

of multi-modal (roadway and pedestrian) improvements to address roadway capacity, traffic operations, safety, pedestrian connectivity and other factors on the segment of SR 535 between US 192 in Osceola County to I-4 in Orange County. This Public Meeting is the first of two meetings being held throughout the 18 month planning study. The purpose of the meeting is to present initial findings related to existing and future conditions and receive input from interested stakeholders. Persons desiring to submit written statements in place of or in addition to oral statements may do so at the meeting or by sending them to Heather Garcia, FDOT Planning Manager, 719 South Woodland Boulevard, DeLand, FL 32720 or by email to Heather.Garcia@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Garcia at the email address listed above.

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: Mr. Travis Hills, (407)540-0555, thills@kittelson.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 Ms. Garcia at the email address listed above.

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

THE VALERIN GROUP, INC.

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

DATE AND TIME: December 8, 2016, 5:00 p.m.

PLACE: State College of Florida-Bradenton, Bldg. 14, Room 147, 5840 26th Street West, Bradenton, FL 34207

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing is being held regarding plans to improve safety at the intersection of State Road 70 and US 41. This design project will improve safety by installing a concrete median separator for approximately 500 feet east of the intersection. The estimated design and construction cost is \$225,000, and construction should begin in late 2017.

The hearing will be Thursday, December 8, 2016, at the State College of Florida-Bradenton, 5840 26th Street West, Student Union (Bldg. 14, Room 147), Bradenton, FL 34207. There will be an open house at 5:00 p.m. during which staff will be available to discuss the project and answer questions, followed by the formal hearing presentation at 6 p.m., after which participants may provide their verbal comments to all present. Participants may also provide verbal comments directly to a court reporter before and after the formal presentation. Written comments can be submitted at the hearing, sent by mail to: Amy Blair, PE, Florida Department of Transportation, District One, 801 North Broadway Avenue, Bartow, FL 33830 or sent by email to Amy.Blair@dot.state.fl.us no later than December 19, 2016. All comments written and oral will become part of the project's public record.

The draft project documents and other information will be available for public review through December 19, 2016 at the South Manatee Branch Library, 6081 26th Street West, Bradenton, FL 34207.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting: Shelly Smith, FDOT District One Title VI Coordinator by phone at (863)519-2761 or via email at Shelly.Smith@dot.state.fl.us.

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

Pursuant to the provisions of the Americans with Disabilities Act of 1990, any person requiring special accommodations to participate in this workshop/meeting or people that require translation services (free of charge) at the meeting should contact: Amy Blair, (863)519-2272, Amy.Blair@dot.state.fl.us at least 7 days before the workshop/meeting. 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: Amy Blair, (863)519-2272, Amy.Blair@dot.state.fl.us.

AECOM

The Florida Department of Transportation, District Seven announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 8, 2016, 4:30 p.m. – 6:30 p.m.

PLACE: Homosassa Library, 4100 S. Grandmarch Avenue, Homosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation will hold a construction open house regarding improvements to US 19 and replacement of the Halls River Road Bridge in Citrus County on Thursday, December 8, 2016. The open house will

be held from 4:30 p.m. to 6:30 p.m. at the Homosassa Library, located at 4100 S. Grandmarch Avenue, Homosassa, FL 34446.

There are two projects being represented at this open house:

1) US 19 from Green Acres Street to W. Jump Court (FPN 405822-2-52-01): add lanes and rehabilitate pavement – under construction.

2) W. Halls River Road (CR 490A) at Halls River (FPN 430021-1-52-01): bridge replacement – construction anticipated to begin in January 2017.

There will be no formal presentation; therefore, we encourage you to drop in at your convenience during the above listed hours to review the project display boards and talk with project staff. If you are unable to attend the meeting but would like information about any of these projects, please email the department at roadwork@dot.state.fl.us. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: Mr. John McShaffrey, APR, Public Information Officer, 11201 N. McKinley Drive, MS 7-110, Tampa, FL 33612. Telephone (813)975-6930, 1(800)226-7220 or email: john.mcshaffrey@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Chris Speese, Public Involvement Coordinator, at (813)975-6405, 1(800)226-7220, or email: christopher.speese@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).

For more information, you may contact: Mr. John McShaffrey, Public Information Officer, at information listed above.

CARPE DIEM COMMUNITY SOLUTIONS, INC.

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

DATE AND TIME: Thursday, December 8, 2016, 5:30 p.m. – 6:30 p.m., ET

PLACE: University of Florida IFAS North Florida Research and Education Center, 155 Research Road, Quincy

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This project will evaluate a proposed new two-lane facility in Gadsden County that will begin at State Road (S.R.) 267 (Pat Thomas Parkway) and end at S.R. 10/U.S. 90. The purpose of this project is to evaluate additional capacity options outside of downtown Quincy to re-route truck traffic from the downtown square, enhance mobility for economic growth, and increase evacuation route options in coordination with the

North Quincy Loop. The alignment and tie-in point at S.R. 267 (Pat Thomas Parkway) has not been determined, and the tie-in point at S.R. 10/U.S. 90 is at the intersection with Ralph Strong Road and S.R. 269. This proposed facility is referred to as the South Quincy Loop and if constructed is planned to be approximately 3 miles long.

A copy of the agenda may be obtained by contacting: FDOT General Consultant Project Manager, Kimberly Stephens, P.E., at (850)415-9015 or kistephens@hntb.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: FDOT General Consultant Project Manager Kimberly Stephens, P.E., at the above phone number or email address. 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: Ian Satter, District Three Public Information Director, toll-free at 1(888)638-0250, ext. 1205 or at ian.satter@dot.state.fl.us.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

RULE NOS.:RULE TITLES:

33-103.005 Informal Grievance

33-103.006 Formal Grievance - Institution or Facility Level

33-103.007 Appeals and Direct Grievances to the Office of the Secretary

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received a petition for declaratory statement from Joseph Cabral, DC# P03849. The petition seeks the agency's opinion as to the applicability of subsections 33-103.005(4), 33-103.006(6), and 33-103.007(4), Florida Administrative Code, as they apply to the petitioner.

The petition alleges that it seeks to resolve a controversy or answer questions or doubts regarding the application of subsections 33-103.005(4), 33-103.006(6), and 33-103.007(4), Florida Administrative Code. Persons whose substantial interests may be affected by a declaratory statement issued in this matter may file a motion to intervene or a petition for administrative hearing within twenty-one (21) days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Valerie Robinson, 501 South Calhoun Street, Tallahassee, Florida 32399, valerie.robinson@fdc.myflorida.com, (850)717-3605.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF MILITARY AFFAIRS
216018 Quincy MOV/POV Parking Lot
STATE OF FLORIDA, DEPARTMENT OF MILITARY
AFFAIRS
PUBLIC ANNOUNCEMENT
INVITATION TO BID

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed Contractors (GC) for the following project located at Quincy National Guard Armory, Quincy, FL
FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR

AFTER 11/30/2016 AT
http://vbs.dms.state.fl.us/vbs/main_menu.

PROJECT: 216018 Quincy MOV/POV Parking Lot
FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted)

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System

GENERAL STATEMENT OF WORK: Construction of approximately 17,986 square foot concrete and 24,057 square foot GravelPave2 surfaced MOV parking area adjacent to the existing MOV parking. The project will also include stormwater improvements and a 1,093 square foot asphalt turnout onto Joe Adams Road. See Bid Documents for complete details.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch, (904)823-0255 or email: ng.fl.flarnng.list.ngfl-cfmo-contracting@mail.mil.

Faxed or emailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Requests for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Requests for any additional information, clarifications, or technical questions must be requested in writing.

DEPARTMENT OF MILITARY AFFAIRS
216038 Lake City NGA Parking Renovation
STATE OF FLORIDA, DEPARTMENT OF MILITARY
AFFAIRS
PUBLIC ANNOUNCEMENT
INVITATION TO BID

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed Contractors (GC) for the following project located at Lake City National Guard Armory, Lake City, FL
FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR

AFTER 11/30/2016 AT
http://vbs.dms.state.fl.us/vbs/main_menu.

PROJECT: 216038 Lake City National Guard Armory Parking Renovation

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted)

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System

GENERAL STATEMENT OF WORK: The project shall include the milling and resurfacing of the existing paved area (approx. 29,140 sq.) at the Lake City Armory. The project also includes regrading of a portion of the existing MOV parking area to address drainage concerns as well as the replacement of approximately 255 LF of the existing storm drain.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch, (904)823-0255 or email: ng.fl.flarnng.list.ngfl-cfmo-contracting@mail.mil.

Faxed or emailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Requests for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Requests for any additional information, clarifications, or technical questions must be requested in writing.

Section XII Miscellaneous

DEPARTMENT OF STATE
 Division of Elections

RULE NO.: RULE TITLE:

1S-2.050 Cancellation of Political Party Filings
 FEC 16-048 Final Order

The Independent Party of Florida failed to comply with the public audit requirements of section 103.121(2), Florida Statutes, by not having an audit conducted by a duly licensed Florida certified public accountant. Pursuant to the authority of the Florida Elections Commission and its Recommended

Final Order, the Florida Department of State, Division of Elections will proceed with final cancellation of the filings of the Independent Party of Florida. The final order was filed on November 29, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF PROPOSED WATER QUALITY STUDY

Pursuant to subsection 62-650.500(6), F.A.C., the Florida Department of Environmental Protection (FDEP) gives notice of intent of the City of Plant City (Plant City) to conduct a study of water quality in the immediate receiving stream, East Canal, and subsequent downstream waters, Itchepackesassa Creek and Blackwater Creek, to which Plant City's Water Reclamation Facility currently discharges under its FDEP Permit No. FL0026557. The purpose of this study is to establish appropriate numeric interpretations of the narrative nutrient criteria, as set forth in Rule 62-302.531, F.A.C., for the above listed water bodies. Upon conclusion of the water quality plan of study (POS), these numeric interpretations may be established in the form of Level II Water Quality Based Effluent Limitations (WQBELs) or other site-specific order of the FDEP.

Any interested person may submit written comments on the POS to Mr. Michael Herr, City Manager, City of Plant City, PO Drawer C, Plant City, FL 33564-9003, and provide a copy to Jacquelyn Champion, Southwest District Office, Department of Environmental Protection, 13051 N. Telecom Parkway, Temple Terrace, FL 33637 or email: Jacquelyn.Champion@dep.state.fl.us. Comments must be received within 14 days of publication of this notice. In response to comments received pertaining to the POS, Plant City may revise the POS, as necessary.

Although FDEP may allow for informal dispute resolution during the study period, the study is free from agency decision making and does not constitute proposed agency action until notice of such is given pursuant to subsection 62-650.500(8), F.A.C.

Upon request, the POS is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District Office, 13051 N. Telecom Parkway, Temple Terrace, FL 33637, (813)470-5700.

DEPARTMENT OF ENVIRONMENTAL PROTECTION Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida

Coastal Management Program. A list of projects, comments and deadlines, and the address for providing comments, are available at: <https://fldep.dep.state.fl.us/clearinghouse/>. For information, call (850)717-9076. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

Emergency Action

On November 28, 2016, the State Surgeon General issued an Order of Emergency Restriction with regard to the certificate of Sara C. Martinez, C.R.T., Certificate # CRT 83780. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to 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 HEALTH

Board of Nursing

Emergency Action

On November 28, 2016, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certificate of Emilee Noelle Nelson, C.N.A., Certificate # CNA 298678. 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 HEALTH

Board of Nursing

Emergency Action

On November 28, 2016, the State Surgeon General issued an Order of Emergency Suspension with regard to the certificate of Ezekiel Burger, III, C.N.A., Certificate # CNA 319731. 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 HEALTH

Board of Nursing

Emergency Action

On November 28, 2016, the State Surgeon General issued an Order of Emergency Suspension with regard to the certificate of Deana Davis, C.N.A., Certificate # CNA 279342. 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 HEALTH

Board of Nursing

Emergency Action

On November 28, 2016, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certificate of Jessica M. Sapp, C.N.A., Certificate # CNA 312428. 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.

ENVIRONMENTAL PROTECTION AGENCY

US Environmental Protection Agency Region 4

Outer Continental Shelf (OCS) Air Permits

The EPA Region 4 is providing notice of the opportunity to be placed on a mailing list to receive notification of OCS air quality permitting actions. Most permits required by the Clean Air Act (CAA) are issued by state and local agencies. Occasionally, however, the EPA is responsible for issuing permits for sources of air pollution located in areas of federal jurisdiction, such as offshore. The EPA Region 4 is responsible for issuing CAA permits to facilities and operations proposed to be located on the OCS in the eastern Gulf of Mexico approximately 125 to 200 miles offshore Florida. This is an area bounded by the Military Mission Line and east of 87.5 degrees longitude. The Department of Interior has authority for regulating air quality on the OCS in the Gulf of Mexico west of 87.5 degrees longitude, corresponding to areas offshore the states of Alabama, Mississippi, Louisiana, and Texas.

The OCS activities subject to air quality permitting are typically engaged in oil and gas exploration or development and the operations in this area are generally conducted on vessels in deep water. OCS projects typically require an air quality preconstruction permit and a Title V operating permit issued pursuant to the CAA and the applicable OCS air quality regulations found in part 55 of the Code of Federal Regulations.

When the EPA proposes a draft OCS permit, the EPA is required to notify the public of the opportunity to comment on the permit and/or to request a public hearing. The draft permit, supporting documentation, and notice of the opportunity for public comment will be available through EPA's Public Notice web page at: <https://www.epa.gov/publicnotices> and Region 4's OCS web page at: <https://www.epa.gov/caa-permitting/draft-ocs-permits-available-public-comment-southeastern-us> and on the Regulations.gov website at: <http://www.regulations.gov>. The EPA will also provide the public notice by e-mail or US mail to any person who requests to be on the mailing list. The EPA Region 4 is hereby providing notice of the opportunity to be placed on a mailing list and to be directly notified of these OCS air quality permitting actions.

If you are interested in receiving such notifications, please go to: <https://www.epa.gov/caa-permitting/forms/public-notice-distribution-list-cao-permits-region-4> and fill out and submit the Public Notice Distribution List form. You can also submit a request by email to R4OCSpermits@epa.gov or by US mail to the address below. Please provide the following information: first and last name; organization (if applicable); email address and/or mailing address; and phone number (optional, only for the purpose of clarifying the information provided). Please specify that you are interested in "OCS permits" and if you prefer notification through email or US mail. You may also limit your request to a specific project. For questions regarding the mailing list, please contact: Rosa Yarbrough, Air Permits Section, EPA Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303, (404)562-9643.

Section XIII

Index to Rules Filed During Preceding Week

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