

**Section I**  
**Notice of Development of Proposed Rules  
and Negotiated Rulemaking**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

RULE NO.:       RULE TITLE:  
61-19.006       Renewal

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to update and revise Rule 61-19.006, F.A.C., to clarify existing language regarding the biennial licensure scheduling period.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is subsection 61-19.006(1), F.A.C., to clarify existing language regarding the biennial licensure scheduling period.

RULEMAKING AUTHORITY: 468.402(3), FS.

LAW IMPLEMENTED: 468.404(1), 468.408, 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: Thomas J. Izzo, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2212, (850)488-0062.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.:       RULE TITLE:  
61D-14.032       Progressive System Requirements

PURPOSE AND EFFECT: Update and clarify existing rule language

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking seeks to update and clarify existing language in Rule 61D-14.032, F.A.C.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g), 551.121(5) 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: Bryan Barber, Division of Pari-Mutuel Wagering, bryan.barber@myfloridalicense.com, 2601 Blairstone Rd., Tallahassee, FL 32399, (850)717-1761

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

**Section II**  
**Proposed Rules**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:       RULE TITLE:  
59G-1.058       Eligibility

PURPOSE AND EFFECT: The purpose of Rule 59G-1.058, Florida Administrative Code (F.A.C.), is to specify Florida Medicaid policies and provider responsibilities.

SUMMARY: The rule designates recipient eligibility coverage categories and provider requirements to be reimbursed for covered services rendered to Florida Medicaid recipients.

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.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 18, 2018, 10:30 to 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

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: Virginia Hardcastle. 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: Virginia Hardcastle, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4685, e-mail: Virginia.Hardcastle@ahca.myflorida.com.

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

Official comments to be entered into the rule record will be received from the date of this notice until January 19, 2018. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-1.058 Eligibility

(1) Purpose. This rule specifies recipient eligibility requirements for Florida Medicaid covered services and applies to all providers rendering Florida Medicaid covered services to recipients.

(2) Eligibility Determination. The Department of Children and Families (DCF) and the Social Security Administration (SSA) determine recipient eligibility for Florida Medicaid in accordance with section 409.902, Florida Statutes, and Rule Chapter 65A-1, Florida Administrative Code (F.A.C.).

(a) Eligibility Determined by Qualified Designated Providers. Qualified designated providers determine presumptive eligibility for pregnant women (PEPW) in accordance with Rule Chapter 65A-1, F.A.C.

(b) Eligibility Determined by Qualified Hospitals.

1. Qualified hospitals enrolled in Florida Medicaid may make presumptive eligibility determinations for the following:

- a. Pregnant women.
- b. Infants and children under the age of 19 years.
- c. Parents and other caretakers or relatives.
- d. Former foster care children.

2. The presumptive period begins on the date the determination is made and ends on the earlier of the following:

- a. The last day of the month following the month in which the determination of presumptive eligibility is made.
- b. The date DCF makes a Florida Medicaid eligibility determination.

(3) Newborn Presumptive Eligibility. A newborn is deemed eligible for full Florida Medicaid covered services when the mother is eligible for Florida Medicaid on the date of the child's birth, unless the mother is eligible under the PEPW category.

(a) A pregnant recipient may obtain a Florida Medicaid identification (ID) number and Florida Medicaid ID card for her unborn child. The cards are issued as "baby of" plus the mother's name, and assigned a card control number that providers use to obtain the baby's Medicaid ID number. The baby's Florida Medicaid ID number will not be active until after the baby is born.

(b) Providers may request a Florida Medicaid ID number assignment for a newborn via a Medical Assistance Referral Form, CF-ES 2039, April 2003, incorporated by reference in Rule 65A-1.400, F.A.C., and available on the DCF Web site at <https://eds.myflfamilies.com/DCFFormsInternet/Search/DCFFormSearch.aspx>.

(c) Providers may activate a newborn's Florida Medicaid ID number by submitting a completed Unborn Activation Form, AHCA Form 5240-006, February 2017, incorporated by reference in Rule 59G-1.045, F.A.C., to the Florida Medicaid fiscal agent.

(4) Proof of Eligibility. Providers must verify recipient eligibility prior to rendering services.

(5) Recipient Does Not Have an ID Card. Providers may verify eligibility and render services if the recipient does not have an ID card.

(6) Card Not Proof of Eligibility. Possession of a Florida Medicaid ID card does not constitute proof of eligibility.

(7) Eligibility Program Codes (also known as Aid Categories). Florida Medicaid eligibility program codes indicate benefit coverage and limitations, as follows:

<b><u>FLORIDA MEDICAID ELIGIBILITY CODES</u></b>		
<b><u>ON THE FLORIDA MEDICAID</u></b>		
<b><u>MANAGEMENT INFORMATION SYSTEM</u></b>		
<b><u>RECIPIENT SUBSYSTEM</u></b>		
<b><u>Code</u></b>	<b><u>Description</u></b>	<b><u>Coverage</u></b>
5007	Pharmaceutical Expense Program	Provides assistance with Medicare Part B coinsurance for persons not eligible for Florida Medicaid or Qualified Medicare Beneficiaries (QMB), who were diagnosed with cancer or received an organ transplant and were receiving drugs to treat these conditions in December 2005 under the Medically Needy program, who were and

<b><u>FLORIDA MEDICAID ELIGIBILITY CODES ON THE FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM RECIPIENT SUBSYSTEM</u></b>		
<b><u>Code</u></b>	<b><u>Description</u></b>	<b><u>Coverage</u></b>
		<u>continue to be, eligible for Medicare. This is not a Florida Medicaid service; it is funded in full by general revenue.</u>
<u>MA I</u>	<u>Former Foster Care Children Up to Age 26</u>	<u>Full Medicaid, except institutional care in skilled nursing facility or swing bed, intermediate care facility for individuals with intellectual disabilities (ICF/IID), state mental health hospital, or home and community-based (HCBS) waiver services.</u>
<u>MA R</u>	<u>Parents and Caretakers</u>	
<u>MB C</u>	<u>Mary Brogan Breast and Cervical Cancer Program</u>	
<u>MCFE</u>	<u>IV-E Foster Care and Adoption Subsidy Medicaid</u>	
<u>MCFN</u>	<u>Non IV-E Foster Care, Adoption Subsidy and Emergency Shelter Medicaid</u>	
<u>ME C</u>	<u>Extended Medicaid Due to Alimony or Spousal Support</u>	
<u>ME I</u>	<u>Transitional Medicaid Due to Caretaker Income</u>	
<u>MH H</u>	<u>Stand Alone Hospice Medicaid</u>	
<u>MH M</u>	<u>Hospice Medicaid</u>	

<b><u>FLORIDA MEDICAID ELIGIBILITY CODES ON THE FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM RECIPIENT SUBSYSTEM</u></b>		
<b><u>Code</u></b>	<b><u>Description</u></b>	<b><u>Coverage</u></b>
	<u>Supplemental to MEDS-AD (MM S)</u>	<u>Full Medicaid, except institutional care in skilled nursing facility or swing bed, ICF/IID, state mental health hospital, or HCBS waiver services.</u>
<u>MH S</u>	<u>Hospice Medicaid Supplemental to SSI Medicaid (MS)</u>	
<u>MM C</u>	<u>MEDS for Children Born After 09-30-1983 (Through age 18)</u>	
<u>MM I</u>	<u>MEDS for Infants Under 1 Year Old</u>	
<u>MM P</u>	<u>MEDS for Pregnant Women</u>	
<u>MM S</u>	<u>MEDS for Aged and Disabled</u>	
<u>MM T</u>	<u>MEDS for Pregnant Women (Protected Eligibility)</u>	
<u>MN</u>	<u>Presumptively Eligible Newborn Medicaid</u>	
<u>MO Y</u>	<u>Low Income Family Medicaid for Age 19-20</u>	
<u>MREI</u>	<u>RAP/CHPEP Extended Medicaid for Earned Income</u>	
<u>MR R</u>	<u>RAP/CHPEP Direct</u>	

<b>FLORIDA MEDICAID ELIGIBILITY CODES ON THE FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM RECIPIENT SUBSYSTEM</b>		
<u>Code</u>	<u>Description</u>	<u>Coverage</u>
	<u>Assistance Medical Assistance</u>	
<u>MS</u>	<u>SSI Medicaid</u>	
<u>MT A</u>	<u>Protected Medicaid for Widows I and Children</u>	
<u>MT C</u>	<u>Regular Protected Medicaid (COLA)</u>	
<u>MT D</u>	<u>Protected Medicaid for Disabled Adult Children</u>	
<u>MT W</u>	<u>Protected Medicaid for Widows II</u>	
<u>MX</u>	<u>Continuous Coverage for SSI child who loses SSI eligibility</u>	
<u>MK A</u>	<u>MediKids (Subsidized - \$15)</u>	<u>Full Medicaid, except institutional care in a skilled nursing facility or swing bed, ICF/IID, state mental health hospital, or HCBS waiver services. Must be enrolled in managed care to be eligible.</u>
<u>MK B</u>	<u>MediKids (Subsidized - \$20)</u>	
<u>MK C</u>	<u>MediKids (Full pay - \$157)</u>	
<u>MI A</u>	<u>Institutional Care Medicaid Supplemental to LIF Medicaid</u>	<u>Full Medicaid, including institutional care in a skilled nursing facility or swing bed, ICF/IID, or</u>

<b>FLORIDA MEDICAID ELIGIBILITY CODES ON THE FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM RECIPIENT SUBSYSTEM</b>		
<u>Code</u>	<u>Description</u>	<u>Coverage</u>
<u>MI I</u>	<u>Stand Alone Institutional Care Medicaid</u>	<u>state mental health hospital.</u>
<u>MI M</u>	<u>Institutional Care Medicaid Supplemental to MEDS-AD (MM S)</u>	
<u>MI S</u>	<u>Institutional Care Medicaid Supplemental to SSI Medicaid (MS)</u>	
<u>MI T</u>	<u>Institutional Care Medicaid Failed-Transfer of Assets</u>	<u>Full Medicaid, except institutional care in a skilled nursing facility or swing bed, ICF/IID, state mental health hospital, or HCBS waiver services.</u>
<u>MW A</u>	<u>Medicaid Waivers</u>	<u>Full Medicaid, including waiver services.</u>
<u>ML A</u>	<u>AFDC Related Emergency Medical Assistance for Noncitizens</u>	<u>Limited to emergency care (emergency inpatient, labor and delivery, kidney dialysis).</u>
<u>ML S</u>	<u>SSI Related Emergency Medical Assistance for Noncitizens</u>	
<u>NA R</u>	<u>Medically Needy for Parents, Caretakers and Children</u>	<u>Must meet Share of Cost. Eligibility is displayed in FMMIS on the date the recipient attains Florida Medicaid eligibility by meeting his or her share</u>
<u>NCFN</u>	<u>Non IV-E Foster Care Medically Needy</u>	

<b><u>FLORIDA MEDICAID ELIGIBILITY CODES ON THE FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM RECIPIENT SUBSYSTEM</u></b>		
<b><u>Code</u></b>	<b><u>Description</u></b>	<b><u>Coverage</u></b>
<u>NM P</u>	<u>MEDS for Pregnant Women Medically Needy</u>	<u>of cost, through the end of that month. Eligible for all services except:</u> <ul style="list-style-type: none"> <li>• <u>Assistive care services</u></li> <li>• <u>Intermediate care facilities for individuals with intellectual disabilities</u></li> <li>• <u>Home and community-based services waiver programs</u></li> <li>• <u>Nursing facility services</u></li> <li>• <u>Regional perinatal intensive care center services</u></li> <li>• <u>State mental hospital services</u></li> <li>• <u>Statewide inpatient psychiatric program services.</u></li> </ul>
<u>NO Y</u>	<u>Medically Needy for Children Ages 19 thru 20</u>	
<u>NR R</u>	<u>RAP/CHEP Medically Needy</u>	
<u>NS</u>	<u>SSI-related Medically Needy Covers aged, blind or disabled</u>	
<u>NL A</u>	<u>Family-related Emergency Medical Assistance for Noncitizens Medically Needy</u>	<u>Limited to emergency care (emergency inpatient, labor and delivery, kidney dialysis) for non-qualified aliens; must meet Share of Cost.</u>
<u>NL S</u>	<u>SSI-related Emergency Medical Assistance for Noncitizens</u>	

<b><u>FLORIDA MEDICAID ELIGIBILITY CODES ON THE FLORIDA MEDICAID MANAGEMENT INFORMATION SYSTEM RECIPIENT SUBSYSTEM</u></b>		
<b><u>Code</u></b>	<b><u>Description</u></b>	<b><u>Coverage</u></b>
	<u>Medically Needy</u>	
<u>FP</u>	<u>Family Planning Medicaid</u>	<u>Limited to family planning services.</u>
<u>MU</u>	<u>Presumptive Eligibility for Pregnant Women</u>	<u>Limited to outpatient, office, transportation, and emergency room services. Does not cover inpatient or delivery services.</u>
<u>QMB</u>	<u>Qualified Medicare Beneficiaries</u>	<u>Limited to Medicare premiums, deductibles, and coinsurance.</u>
<u>QMBR</u>	<u>Qualified Medicare Beneficiaries (Renal Disease)</u>	
<u>QI1</u>	<u>Qualifying Individuals 1</u>	<u>Limited to Medicare Part B premium.</u>
<u>SLMB</u>	<u>Special Low Income Beneficiaries</u>	
<u>WD</u>	<u>Working Disabled</u>	<u>Limited to Medicare Part A premium.</u>

Rulemaking Authority 409.919 FS. Law Implemented 409.903, FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Virginia Hardcastle

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 18, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: August 11, 2017

**FISH AND WILDLIFE CONSERVATION COMMISSION****Marine Fisheries**

RULE NO.: RULE TITLE:

68B-18.005 Closed Seasons for Harvest of Bay Scallops

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to establish regionally-specific open seasons for the recreational harvest of bay scallops by modifying the regulations found in Rule 68B-18.005, Florida Administrative Code.

The bay scallop fishery supports a popular, family-friendly activity and is an important economic driver for coastal communities in the Big Bend and eastern Panhandle regions. Beginning in June 2016, the Florida Fish and Wildlife Conservation Commission (Commission) embarked on a public feedback campaign to determine how to best maximize the benefits of this fishery for both recreational harvesters and local economies. Staff held a series of meetings with community leaders in 2016 and public workshops in 2017 to gather feedback on bay scallop socioeconomic factors, other issues important to the communities, and long-term management desires for the bay scallop fishery. Discussions included a variety of management considerations and potential impacts that could be associated with changes to the scallop fishery. Online comments were also accepted through the FWC Saltwater Comment webpage. In general, stakeholders broadly supported continuing with a regionally-specific season structure that was implemented throughout the open harvest area in 2017 on a trial basis, but requested FWC consider additional minor changes to the season dates that provided an opportunity for a better scalloping experiences for the public and maximized benefits to the regions.

Based on public feedback received and in consideration of the need to ensure the sustainability of bay scallop populations throughout the open harvest area, the proposed rule will establish regionally-specific open seasons for the recreational harvest of bay scallops within the area open to the harvest of bay scallops.

The effect of this rule will be to divide Florida Waters that are open to the harvest of bay scallops into three separate regions for the purpose of establishing regionally-specific harvest season dates. These regulatory changes are based on public feedback received regarding regionally-specific bay scallop management changes that were made on a trial basis for 2017.

**SUMMARY:** This rule will divide Florida Waters that are open to the harvest of bay scallops into three separate regions for the purpose of establishing regionally-specific harvest season dates. These changes would apply to all Florida Waters from the west bank at the mouth of Mexico Beach Canal in Bay County (85°25.84' West Longitude) to the Pasco-Hernando county line (28°26.016' North Latitude).

**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

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** During the Commission's regular meeting February 7-8, 2018, 8:30 a.m. – 5:00 p.m. each day

**PLACE:** Florida Public Safety Institute, 85 Academy Drive, Havana, FL 32333

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**THE FULL TEXT OF THE PROPOSED RULE IS:**

68B-18.005 Closed Seasons for Harvest of Bay Scallops.

(1) ~~A During the closed season for bay scallops a person may not harvest or land a bay scallop from Florida Waters that are closed pursuant to subsection (2)~~ or possess a bay scallop in or on Florida Waters that are closed pursuant to subsection (2).

(2) Regional closed seasons –

(a) For all Florida Waters east and southeast of a line extending due south from the west bank at the mouth of Mexico Beach Canal in Bay County (85°25.84' West Longitude) and west of 83°49.760' West Longitude (a line running through Rock Island near the mouth of the Fenholloway River in Taylor County), the closed season for bay scallops begins on September 25 each year and continues through June 30 the Friday prior to July 1 of the following year.

(b) For all Florida Waters east of 83°49.760' West Longitude (a line running through Rock Island near the mouth of the Fenholloway River in Taylor County) and north of Suwannee River Alligator Pass Daybeacon 4 near the mouth of the Suwannee River in Levy County (29°15.350' North Latitude), the closed season for bay scallops begins on September 11 each year and continues through the Friday prior to the third Saturday in June of the following year.

(c) For all Florida Waters south of Suwannee River Alligator Pass Daybeacon 4 near the mouth of the Suwannee River in Levy County (29°15.350' North Latitude) and north of the Pasco-Hernando county line (28°26.016' North Latitude), the closed season for bay scallops begins on September 11 each year and continues through July 9 of the following year.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 3-1-95, Formerly 46-18.005, Amended 9-1-13, 11-26-14,\_\_\_\_\_.

PROPOSED EFFECTIVE DATE: June 1, 2018

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: December 7, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 5, 2017

Section III  
Notice of Changes, Corrections and  
Withdrawals

NONE

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 21, 2017, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Edgewater at Hidden Bay at 250 Edgewater Dr., Osprey, FL. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.1, as adopted by subsection 61C-5.001(1), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2017-229).

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

## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission (FTC) announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2018, 1:00 p.m. – 5:00 p.m.

PLACE: Hayden Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FTC will Review the Florida Department of Transportation's Tentative Work Program for Fiscal Years 2018/19-2022/23.

A copy of the agenda may be obtained by contacting: FTC, 605 Suwannee Street, MS 9, Tallahassee, Florida 32399, (850)414-4105.

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: FTC, 605 Suwannee Street, MS 9, Tallahassee, Florida 32399, (850)414-4105. 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: FTC, 605 Suwannee Street, MS 9, Tallahassee, Florida 32399, (850)414-4105.

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#### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission will consider at its January 9, 2018 Commission Conference, Docket No. 20170251-GU Application for authorization to issue common stock, preferred stock and secured and/or unsecured debt, and to enter into agreements for interest rate swap products, equity products and other financial derivatives, and to exceed limitation placed on short-term borrowings in 2018, by Chesapeake Utilities Corporation (Chesapeake or Company). The Company seeks PSC approval, pursuant to Section 366.04, Florida Statutes, to issue up to 8,215,000 shares of Chesapeake common stock, up to 2,000,000 shares of Chesapeake preferred stock; up to \$550,000,000 in secured and/or unsecured debt; to enter into agreements up to \$200,000,000 in Interest Rate Swap

Products, Equity Products and other Financial Derivatives; and to issue short-term obligations in an amount not to exceed \$275 million.

DATE AND TIME: Tuesday, January 9, 2018; Commission Conference will begin at 1:00 p.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action on Docket No. 20170251-GU.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact Wesley Taylor, Office of the General Counsel, (850)413-6175.

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#### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled Commission Conference, to which all interested persons are invited.

DATE AND TIME: Correction: Tuesday, January 9, 2018, 1:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S. Persons who may be affected by Commission action on certain items on the Conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C. The Commission Conference Notice, Agenda, related documents, and FPSC contact information are available at [www.floridapsc.com](http://www.floridapsc.com).

ADA: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service), 1(800)955-8770 (Voice) or 1800-955-8771 (TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L.



Gunter Building, Room 152.

**EMERGENCY CANCELLATION OF CONFERENCE:** If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission’s website ([www.floridapsc.com](http://www.floridapsc.com)) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

**REGIONAL PLANNING COUNCILS**

**South Florida Regional Planning Council**

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

**DATE AND TIME:** Nominating Committee, Monday, January 22, 2018, 10:00 a.m., SFRPC Council Meeting, Monday, January 22, 2018, 10:30 a.m.

**PLACE:** South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Nominating Committee will meet to discuss and nominate candidates for the SFRPC 2018 Executive Committee prior to the SFRPC Council Meeting. The Council meets to discuss Council business including, but not limited to, any Development Order received prior to the meeting, any generally consistent Comprehensive Plan Amendment Review, and any generally inconsistent Comprehensive Plan Amendment Review received prior to the meeting.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, (954)985-4416.

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: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, (954)985-4416. 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: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, (954)985-4416.

**COMMISSION ON ETHICS**

The Commission on Ethics announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, January 11, 2018, 3:00 p.m.

**PLACE:** Commission on Ethics, 325 John Knox Rd., Building E, Suite 200, Tallahassee, Florida 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Legislative Committee Meeting.

A copy of the agenda may be obtained at [www.ethics.state.fl.us](http://www.ethics.state.fl.us) or by calling (850)488-7864.

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: (850)488-7864. 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).

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

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

**DATE AND TIME:** January 16, 2018, 2:30 p.m. ET

**PLACE:** District Headquarters, 81 Water Management Drive, Havana, FL 32333

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with the timeframe set forth in section 120.525, Florida Statutes, a public opening is hereby noticed within the timeline for the Invitation to Bid (ITB) 18B-004 for 2018 Greenhead Road Sand Pine Timber Sale in Washington County, Florida.

A copy of the agenda may be obtained by contacting: Tyler Macmillan, (850)539-5999, [Tyler.macmillan@nfwwater.com](mailto:Tyler.macmillan@nfwwater.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Division of Administration, (850) 539-5999. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tyler Macmillan, (850) 539-5999, [Tyler.macmillan@nfwwater.com](mailto:Tyler.macmillan@nfwwater.com)

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, January 9, 2018, 9:00 a.m.

**PLACE:** District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Workshop/Public Hearing and Committee Meetings. Consider Suwannee River Water Management District business.

A copy of the agenda may be obtained by contacting: Robin Lamm at (386)362-1001 or 1(800)226-1066 (Florida only) or on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com). When published.

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: Robin Lamm at (386)362-1001 or 1(800)226-1066 (Florida only). 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.

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**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: Thursday, January 4, 2018, 9:00 a.m.

Water Resources Analysis Coalition (WRAC) - Monthly Public Forum

PLACE: District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Forum of the Water Resources Analysis Coalition (WRAC) regarding water resources protection, water supply and flood protection issues. 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 public forum. No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: Yvette Bonilla, (561)682-6286, [ybonilla@sfwmd.gov](mailto:ybonilla@sfwmd.gov) or at our website: <https://www.sfwmd.gov/agenda>.

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 at (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 at (561)682-6286.

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**AREA AGENCY ON AGING FOR SOUTHWEST FLORIDA  
D/B/A SENIOR CHOICES OF SOUTHWEST FLORIDA**

The Area Agency on Aging for Southwest Florida announces public meetings to which all persons are invited.

DATES AND TIMES: January 19, 2018, 9:30 a.m.; March, 16, 2018, 9:30 a.m.; May 18, 2018, 9:30 a.m.; July 20, 2018, 9:30 a.m.; September 21, 2018, 9:30 a.m.; November 16, 2018, 9:30 a.m.

PLACE: AAASWFL, 15201 N. Cleveland Ave., Ste. 1100, North Ft. Myers, FL 33903

GENERAL SUBJECT MATTER TO BE CONSIDERED: Advisory Council/ Local Coalition Workgroup meetings

A copy of the agenda may be obtained by contacting Cindy Erickson, Executive Assistant, at (239)652-6929 or by emailing [Cindy.Erickson@aaaswfl.org](mailto:Cindy.Erickson@aaaswfl.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 1 day before the workshop/meeting by contacting: Cindy Erickson, Executive Assistant, at (239)652-6929 or by emailing [Cindy.Erickson@aaaswfl.org](mailto:Cindy.Erickson@aaaswfl.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 Cindy Erickson, Executive Assistant, at (239)652-6929 or [Cindy.Erickson@aaaswfl.org](mailto:Cindy.Erickson@aaaswfl.org).

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**AREA AGENCY ON AGING FOR SOUTHWEST FLORIDA  
D/B/A SENIOR CHOICES OF SOUTHWEST FLORIDA**

The Area Agency on Aging for Southwest Florida announces public meetings to which all persons are invited.

DATES AND TIMES: February 22, 2018, 4:00 p.m.; April 26, 2018, 4:00 p.m.; June 28, 2018, 4:00 p.m.; August 23, 2018, 4:00 p.m.; October 25, 2018, 4:00 p.m.; December 13, 2018, 4:00 p.m..

PLACE: 15201 N. Cleveland Ave., Ste. 1100, North Fort Myers, FL, 33903

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meetings.

A copy of the agenda may be obtained by contacting: Cindy Erickson, Executive Assistant, at (239)652-6929 or by emailing [Cindy.Erickson@aaaswfl.org](mailto:Cindy.Erickson@aaaswfl.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 1 day before the workshop/meeting by contacting: Cindy Erickson, Executive Assistant, at (239)652-6929 or by emailing [Cindy.Erickson@aaaswfl.org](mailto:Cindy.Erickson@aaaswfl.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: Cindy Erickson, Executive Assistant, at (239)652-6929 or by emailing [Cindy.Erickson@aaaswfl.org](mailto:Cindy.Erickson@aaaswfl.org).

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#### SUNSHINE STATE ONE CALL OF FLORIDA

The Sunshine State One Call of Florida, Inc., d/b/a Sunshine 811 announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 11, 2018, 10:00 a.m. – 12:00 Noon

PLACE: This meeting will be held by teleconference. To participate, call 1(888)670-3525 and enter Participant passcode: 8567463178 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose: To develop the agenda for the February 15 & 16, 2018 Committee, and Board of Directors meetings.

For more information, you may contact: Lori Budiani, Executive Assistant, (386)575-2002.

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#### LAURA TURNER PLANNING SERVICES

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

DATE AND TIME: Wednesday, January 10, 2018, 5:30 p.m. – 7:30 p.m. (open house format)

PLACE: Brannon Civic Center, 105 S. Riverside Drive, New Smyrna Beach, FL 32168

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 439865-1-22-01 for St. Johns River to Sea (SJR2C) Loop Project Development and Environment (PD&E) Study.

The Florida Department of Transportation (FDOT) is holding a Public Kick-Off Meeting for the St. Johns River to Sea (SJR2C) Loop PD&E Study. We will present trail alternatives for U.S. 1 or alternative route from State Road 44 (Lytle Avenue) to Beville Road, a distance of approximately 12.5 miles. This meeting provides interested persons an opportunity to express their views concerning the social, economic and environmental impacts of the proposed trail alternatives.

The meeting will be held Wednesday, January 10, 2018 at the Brannon Civic Center, located at 105 S. Riverside Drive, New Smyrna Beach, FL 32168. It will be an open house from 5:30 p.m. to 7:30 p.m. Attendees may review study information, and

discuss the trail alternatives with the study team. Information presented at this meeting will also be available on the study website, [CFLRoads.com](http://CFLRoads.com) (search by number 439865-1), by January 17, 2018. The meeting will also be offered again the following day, Thursday, January 11, 2018 at the Piggotte Community Center – Reception Hall located at 504 Big Tree Road, South Daytona, FL 32119 where the same information will be presented.

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 by email at [Jennifer.Smith2@dot.state.fl.us](mailto:Jennifer.Smith2@dot.state.fl.us). The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the FDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: contacting Heather Grubert, P.E. at (386)943-5540 or by e-mail at [heather.grubert@dot.state.fl.us](mailto:heather.grubert@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: Heather Grubert, P.E., FDOT Project Manager, at 719 S. Woodland Blvd. - MS 501, DeLand, FL 32720, by phone at (386)943-5540, or by email to [heather.grubert@dot.state.fl.us](mailto:heather.grubert@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: Ms. Heather Grubert, P.E. the FDOT PD&E Project Manager, at (386)943-5540 or e-mail at [heather.grubert@dot.state.fl.us](mailto:heather.grubert@dot.state.fl.us).

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#### LAURA TURNER PLANNING SERVICES

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PLACE: Piggotte Community Center - Reception Hall, 504 Big Tree Road, South Daytona, FL 32119

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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 by email at Jennifer.Smith2@dot.state.fl.us. The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the FDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

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For more information, you may contact: FOR MORE INFORMATION, YOU MAY CONTACT: Ms. Heather Grubert, P.E. the FDOT PD&E Project Manager, at (386) 943-5540 or e-mail at heather.grubert@dot.state.fl.us.

**KEEP FLORIDA BEAUTIFUL INC.**

The Keep Florida Beautiful Board of Directors will hold a regular board meeting which is open to the public.

DATE AND TIME: January 9, 2018, 8:00 a.m. – 10:30 a.m.

PLACE: Double Tree Hotel, Jacob’s on the Plaza restaurant private dining room, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine business of Keep Florida Beautiful, Inc.

A copy of the agenda may be obtained by contacting: Mary Jean Yon at maryjeanyon@keepfloridabeautiful.org, (850)519-7859. 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: Mary Jean Yon at maryjeanyon@keepfloridabeautiful.org, (850)519-7859. 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 Mary Jean Yon at maryjeanyon@keepfloridabeautiful.org, (850)519-7859.

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-501.301 Law Libraries

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from Federal Inmate William T. Morrison, Jr, #19480-045. The petition seeks the agency's opinion as to the applicability of Rule 33-501.301, Florida Administrative Code as it applies to the petitioner.

The petition alleges that it seeks to resolve a controversy or answer questions regarding the application of Rule 33-501.301, 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: Betty Money, 501 South Calhoun Street, Tallahassee, Florida 32399, Betty.Money@fdc.myflorida.com, (850)717-3605.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-602.203 Control of Contraband

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from Inmate Germaine Ruddock, DC# 281646. The petition seeks the agency's opinion as to the applicability of paragraph

33-602.203(1)(c), Florida Administrative Code, as it applies to the petitioner.

The petition alleges that it seeks to resolve a controversy or answer questions regarding the application of paragraph 33-602.203(1)(c), 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: Betty Money, 501 South Calhoun Street, Tallahassee, Florida 32399, betty.money@fdc.myflorida.com, (850)717-3605.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Alcoholic Beverages and Tobacco  
 NOTICE IS HEREBY GIVEN that Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has issued an order disposing of the petition for declaratory statement filed by La Galere Markets, Inc.; (DS 2017-064) on September 27, 2017. The following is a summary of the agency's disposition of the petition:

Petitioner La Galere Markets, Inc.'s petition for declaratory statement was granted. Prospective Intervenor Beer Industry of Florida's, Florida Beer Wholesalers Association, Inc.'s and Florida Independent Spirits Association's requests to intervene were granted. Petitioner's proposed business model was deemed to be incompatible with the provisions of the Beverage Law in effect at the time of this Order.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Department of Business and Professional Regulation, Agency Clerk's Office, 2601 Blair Stone Road, Tallahassee, FL 32399-2202; (850)717-1183; AGC.Filing@MyFloridaLicense.com

Please refer all comments to: Daniel McGinn, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 2601 Blair Stone Road, Tallahassee, FL 32399-2202; DS 2017-064; DBPR Ref # 2017-046592

**Section VIII**

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

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

**NONE**

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

**NONE**

**Section IX**

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

**NONE**

**Section X**

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

**NONE**

**Section XI**

**Notices Regarding Bids, Proposals and Purchasing**

**NONE**

**Section XII**

**Miscellaneous**

**DEPARTMENT OF STATE**

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Thursday, December 21, 2017 and 3:00 p.m., Wednesday, December 27, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
5C-13.0035	12/27/2017	1/16/2018
5C-13.004	12/27/2017	1/16/2018
33-602.210	12/21/2017	1/10/2018
33-602.211	12/21/2017	1/10/2018

33-602.212	12/21/2017	1/10/2018
61C-5.001	12/22/2017	1/11/2018
64B9-3.002	12/21/2017	1/19/2018
64B9-3.008	12/21/2017	1/19/2018
64B9-3.016	12/21/2017	1/19/2018
64B33-3.001	12/27/2017	1/16/2018
65C-30.019	12/22/2017	1/11/2018
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.100	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Consumer Services

**RESULTS OF REFERENDUM**

The Florida Department of Agriculture and Consumer Services announces the passing of a referendum increasing the assessment per gallon of odorized propane gas sold or imported for consumption in the state by an additional 1/10 of a cent. The new rate will be \$.003 per gallon of odorized propane gas sold/imported.

Pursuant to Chapter 527, Florida Statutes, a referendum must win approval of two-thirds of the total gallonage of odorized propane gas voting in the retail marketer class. The results of the referendum are as follows:

Total gallonage voting FOR (YES): 47,216,138

Total gallonage voting AGAINST (NO): 3,438,370

Percent of gallonage represented by FOR (YES) vote: 93

Percent of gallonage represented by AGAINST (NO) vote:

7

A Marketing Order will be executed by the Commissioner of Agriculture incorporating the new assessment rate and identifying the plans and programs for which the assessment

will be spent. The new assessment rate will be implemented through rulemaking. For more information, please contact Richard Kimsey at (850)921-1556.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Siting Coordination Office  
NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION**

On December 11, 2017, the Department of Environmental Protection received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, section 403.501 et seq., Florida Statutes (FS.), concerning Seminole Electric Cooperative, Inc.'s (SECI) Seminole Combined-Cycle Facility; Power Plant Siting Application No. PA78-10A3, OGC Case No.17-1184. The proposed project is for the construction and operation of a 1100 MW (nominal) natural gas combined cycle unit and associated facilities at the existing Seminole Generating Station. A copy of the application for certification is available for review in the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, (850)717-9000 or online at <https://floridadep.gov/air/siting-coordination-office/content/applications-process>. Pursuant to Section 403.507, F.S., and Rule 62-17, Florida Administrative Code, statutory parties to the site certification proceeding will review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), FS., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Economic Opportunity, the Fish and Wildlife Conservation Commission, the St. Johns Water Management District, the Department of Environmental Protection, Putnam County, and the Department of Transportation. Any party listed in Section 403.508(3)(a), FS., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of chapter 120, upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), FS., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power

plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, FS., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the date of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550 prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to s. 403.509(4), FS., shall be made a party upon the request of the Department or the applicant. Pursuant to Section 403.508(6), FS., the certification hearing may be cancelled, if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing.

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### Section XIII

#### Index to Rules Filed During Preceding Week

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

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