

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

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

**RULE NO.: RULE TITLE:**

11C-7.006: Procedures on Court-Ordered Expunctions

11C-7.007: Procedures on Court-Ordered Sealings

11C-7.009: Procedures on Juvenile Diversion Expunctions

11C-7.010: Procedures on Early Juvenile Expunction

**PURPOSE AND EFFECT:** 11C-7.006: Amending rule to remove an obsolete form, deleting the verbiage incorporating forms, updating the effective date of forms and the website link, and clarifying language for the certification of the application.

Rule 11C-7.007 F.A.C.: Amending rule to remove an obsolete form and reference current forms.

Rule 11C-7.009 F.A.C.: Revising rule due to statutory changes, correcting website link and clarifying language for the certification of the application.

Rule 11C-7.010 F.A.C.: Revising rule to correct the website link and clarifying language for the certification of the application.

**SUBJECT AREA TO BE ADDRESSED:** 11C-7.006 Procedures on Court-Ordered Expunctions

Rule 11C-7.007 F.A.C. Procedures on Court-Ordered Sealings

Rule 11C-7.009 F.A.C. Procedures on Juvenile Diversion Expunction

Rule 11C-7.010 F.A.C. Procedures on Early Juvenile Expunction

**RULEMAKING AUTHORITY:** 943.03(4), 943.058(2), 943.059(2), 943.0582, 943.0515(1), FS.

**LAW IMPLEMENTED:** 943.0585, 943.059, 943.0582, 943.0515(1), 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:** November 15, 2018, 10:00 a.m.

**PLACE:** Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

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

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

**RULE NOS.: RULE TITLES:**

11D-9.001 Definitions

11D-9.002 Funds Availability

11D-9.005 Application and Award Procedures

11D-9.006 Forms and Instructions

**PURPOSE AND EFFECT:** Rule 11D-9.001, F.A.C.: Add new definitions for statewide planning requirements for the Edward Byrne Memorial Justice Assistance Grant (JAG) program.

Rule 11D-9.002, F.A.C.: Add new requirements for statewide planning for the Edward Byrne Memorial Justice Assistance Grant (JAG) program funding decisions.

Rule 11D-9.005, F.A.C.: Revise procedures and forms to incorporate changes with the electronic grant management system.

Rule 11D-9.006, F.A.C.: Revise procedures and forms to incorporate changes to the Department's grant management requirements.

**SUBJECT AREA TO BE ADDRESSED:** Edward Byrne Memorial Justice Assistance Grant (JAG) program.

**RULEMAKING AUTHORITY:** 943.25; 943.403, F.S.

**LAW IMPLEMENTED:** 943.25; 943.403, F.S.

**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:** Wednesday, November 15, 2018, 10:00 a.m.

**PLACE:** Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Chris Bufano at 850-410-7676, or christopherbufano@fdle.state.fl.us, or write to Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308. 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:** Chris Bufano at (850)410-7676, or christopherbufano@fdle.state.fl.us, or write to Florida

Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

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**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE NO.: RULE TITLE:

11D-10.003 Selection Committee

PURPOSE AND EFFECT: Subsection 11D-10.003(3), F.A.C.: Removes the specification of the January Cabinet meeting from the rule to allow nominations to be submitted at a subsequent Cabinet meeting.

SUBJECT AREA TO BE ADDRESSED: Removes the specific Cabinet meeting that the nominations will be submitted to the Governor and Cabinet for consideration.

RULEMAKING AUTHORITY: 265.0041(5), FS.

LAW IMPLEMENTED: 265.0041, FS.

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PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Vickie Koenig at (850)410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Law Enforcement Officers' Hall of Fame, P. O. Box 1489, Tallahassee, Florida 32302-1489. 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: Vickie Koenig at (850)410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Law Enforcement Officers' Hall of Fame, P. O. Box 1489, Tallahassee, Florida 32302-1489.

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**DEPARTMENT OF LAW ENFORCEMENT**

**Office of Inspector General**

RULE NOS.: RULE TITLES:

11N-1.002 Criteria

11N-1.0021 Violent Crime Investigative Reimbursement and Emergency Funding

11N-1.0022 Matching Drug Control Investigative Funding

11N-1.003 Limitations on Violent Crime Investigative Reimbursement Funding

11N-1.0031 Limitations on Matching Drug Control Investigative Funding

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding

11N-1.0051 Procedures for Funding Requests for Drug Control Investigative Funding

11N-1.006 Contributions

11N-1.009 Victim/Witness Protection Program

PURPOSE AND EFFECT: 11N-1.001: Clarify and define terms.

Rule 11N-1.002, F.A.C.: Amending to simplify procedure and process for funding.

Rule 11N-1.0021, F.A.C.: Amending to clarify criteria.

Rule 11N-1.0022, F.A.C.: Amending to clarify criteria.

Rules 11N-1.003; 11N-1.0031; 11N-1.004; 11N-1.005; 11N-1.0051; 11N-1.006; 11N-1.009, F.A.C., Repeal.

SUBJECT AREA TO BE ADDRESSED: Procedure and process for administering the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

RULEMAKING AUTHORITY: 943.031; 943.042, F.S.

LAW IMPLEMENTED: 943.031; 943.042; 914.25, F.S.

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PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

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Department of Law Enforcement, , 2331 Phillips Road, Tallahassee, Florida 32308. 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).

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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.097	Public Use Forms
12A-1.109	Florida Sales Tax Credit Scholarship Program

PURPOSE AND EFFECT: The Department is creating a new rule to address the Florida Sales Tax Credit Scholarship Program. The new rule will provide guidance on how to apply for an allocation; how to claim a credit following approval of the allocation application and donation to the organization; how to transfer an unused allocation or credit; how to report a change in the property or the lessor; how to rescind an unused allocation; how organizations who receive donations are to report those donations to the Department, as required by statute; and will incorporate the new forms to be used in the program. Forms to be used in the program will be incorporated in Rule 12A-1.097, F.A.C. Persons are encouraged to participate in the rule development workshop and to submit written comments for these issues. The Department anticipates using Emergency Rule 12AER18-06, Florida Sales Tax Credit Scholarship Program, as the basis for the new rule.

SUBJECT AREA TO BE ADDRESSED: Florida Sales Tax Credit Scholarship Program created in Section 212.099, F.S., by Section 1, Chapter 2018-6, L.O.F.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.099, 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7), FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8),

(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.099, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 212.1831, 213.053, 213.235, 213.29, 213.37, 213.755, 215.26(6), 219.07, 220.13, 220.1875, 288.1258, 290.00677, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 1002.395 FS.

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

DATE AND TIME: January 22, 2019, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building 1, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Becky Avrett at (850)717-6799. 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: Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)617-8346.

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.097	Public Use Forms
12A-1.110	Hope Scholarship Program

PURPOSE AND EFFECT: The Department is developing a new rule to implement the Hope Scholarship Program. The new rule will provide guidance on how a contribution can be made to the Program; how dealers are to remit and report contributions; how organizations who receive contributions are to report those monies to the Department, as required by statute; and the incorporation of forms to be used in the program. Forms to be used in the program will be incorporated in Rule 12A-1.097, F.A.C. Persons are encouraged to participate in the rule development workshop and to submit written comments for these issues. The Department anticipates using Emergency Rule 12AER18-07, Hope Scholarship Program, as the basis for the new rule.

SUBJECT AREA TO BE ADDRESSED: Hope Scholarship Program created in Section 1002.40, F.S., by Section 16, Chapter 2018-6, L.O.F.

**RULEMAKING AUTHORITY:** 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7), 1002.40(16) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), 212.17, 212.18(2), (3), 212.183, 212.1832, 213.053, 213.235, 213.29, 213.37, 213.755, 215.26(6), 219.07, 288.1258, 290.00677, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 1002.40(13) FS.

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

**DATE AND TIME:** January 22, 2019, 9:00 a.m.

**PLACE:** 2450 Shumard Oak Boulevard, Building 1, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Becky Avrett at (850)717-6799. 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:** Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)617-8346.

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE NO.:** 12A-1.097  
**RULE TITLE:** Public Use Forms

**PURPOSE AND EFFECT:** Sections 57 and 58, Chapter 2018-118, L.O.F., provide a refund of sales tax paid on fencing materials and building materials used to repair nonresidential farm buildings damaged by Hurricane Irma. This requires the creation of a form to be used by taxpayers seeking a refund. The purpose of the proposed amendment to Rule 12A-1.097, F.A.C., is to incorporate the required refund form.

**SUBJECT AREA TO BE ADDRESSED:** The incorporation of a necessary refund form.

**RULEMAKING AUTHORITY:**

**LAW IMPLEMENTED:** Sections 57 and 58, Chapter 2018-118, L.O.F.

**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:** November 14, 2018, 1:00 p.m.

**PLACE:** 2450 Shumard Oak Boulevard, Building one, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Becky Avrett at (850)717-6799. 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:** Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)617-8346.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:** Published on the Department’s Internet site at [www.floridarevenue.com/rules](http://www.floridarevenue.com/rules).

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

**RULE NO.:** 12B-5.150  
**RULE TITLE:** Public Use Forms

**PURPOSE AND EFFECT:** Section 59, Chapter 2018-118, L.O.F., provides an exemption from tax on fuel purchased in this state between September 10, 2017 and June 30, 2018, which is used in this state for agricultural shipment. The exemption is only available through a refund of tax paid, application for which can be submitted through December 31, 2018. The purpose of the proposed amendment to Rule 12B-5.150, F.A.C., is to incorporate the required refund form.

**SUBJECT AREA TO BE ADDRESSED:** The incorporation of a necessary refund form.

**RULEMAKING AUTHORITY:**

**LAW IMPLEMENTED:** Section 59, Chapter 2018-118, L.O.F.

**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:** November 14, 2018, 1:00 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building one, Room 1220, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tammy Miller, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)617-8346.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Published on the Department’s Internet site at [www.floridarevenue.com/rules](http://www.floridarevenue.com/rules).

**DEPARTMENT OF VETERANS’ AFFAIRS**

**Division of Veterans’ Benefits and Assistance**

RULE NOS.: RULE TITLES:

55A-7.010 Employment Preference When Using a Numerically Based Selection Process

55A-7.011 Reinstatement or Reemployment; Promotion Preference

55A-7.013 Documentation of Preference Claim

PURPOSE AND EFFECT: The proposed amendments will refine and clarify certain concepts in order to provide more consistency among public employers during various processes involving recruiting, selecting, and promoting preference-eligible persons.

SUBJECT AREA TO BE ADDRESSED: VETERANS’ PREFERENCE IN APPOINTMENT AND RETENTION.

RULEMAKING AUTHORITY: 295.07(2), FS.

LAW IMPLEMENTED: 295.065, 295.07, 295.08, 296.085, 295.09, 295.11, 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: January 16, 2019, 10:00 a.m.

PLACE: Public Access: Medal of Honor Conference Room 342, 11351 Ulmerton Road, Largo, Florida 33778, or Teleconference: 1(888)670-3525, and entering participant passcode: 1120306298, then #; access point for persons interested in attending the meeting at the Mary Grizzle Building, Room 342, 11351 Ulmerton Road, Largo, Florida 33778

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: Lillian Dupree, FRP, Operations Analyst II, at (850)487-1533 ext. 7713, fax (850)488-4001 or DupreeL@FDVA.STATE.FL.US If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Williams, Florida Department of Veterans’ Affairs, 11351 Ulmerton Road, Room 311-K, Largo, Florida 33778, williamsL3@fdva.state.fl.us/ or (727)518-3202, ext. 5611

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

55A-7.010 Employment Preference When Using a Numerically Based Selection Process.

(1) No change.

(2) 15 augmentation points shall be added for:

(a) through (b) No change.

(c) Except for classes of positions with Federal Government designations of professional or technician, all persons eligible for a 15-point preference whose service-connected disabilities have been rated at 30% or more, and meet minimum qualifications established for the position, shall be granted an interview shall be placed at the top of the appropriate register or employment list in accordance with his or her respective augmentation points.

(3) through (4) No change.

(5) Augmentation points are to be added to a qualified candidate’s examination score of 100 as follows: 15 points for paragraph (2)(a) or (b), in this rule; 10 points for paragraph (3)(a), (b), or (c), in this rule; 5 points for paragraph (4)(a) or (b), in this rule. However, where the highest possible examination score is more or less than 100, an alternative procedure makes it permissible to apply percentages to calculate additions to points instead, as follows: 15 percent for persons described in paragraph (2)(a) or (b), of this rule; 10 percent for persons described in paragraph (3)(a), (b), or (c), of this rule; and 5 percent for persons described in paragraph (4)(a) or (b), of this rule. If the total possible score is exactly 100, augment directly with 5, 10, or 15 points; if the total possible points are less than or more than 100 points, use percentages to calculate points for addition to examination score. ~~For example, if an applicant scores 50 points, and is a person described in paragraph (3)(a), (b), or (c), of this rule, then calculate 10% for additional points, resulting in a final score of 55.~~

(6) No change.

(7) If a position is advertised as a “veteran-only position,” points shall be applied based upon “Augmented Rating” as defined in Subsection 55A-7.003(3), F.A.C., and interviews will be based on the applicant’s total numerical score regardless of augmentation category.

Rulemaking Authority 295.07(2) FS. Law Implemented 295.08 FS. History—New 3-30-88, Formerly 22VP-1.010, Amended 2-12-90, 7-12-93, 12-27-98, 6-11-08, 6-27-16,\_\_\_\_\_.

55A-7.0111 Reinstatement or Reemployment; Promotion Preference.

(1) No change.

(2) Persons reinstated or reemployed under this rule shall be awarded preference in promotion, and shall be promoted ahead of all other employees who are equally as well or less qualified for the position, if their service was full-time/active duty status for at least 90 consecutive days, or less, if discharged early while serving in a combat zone or due to medical reasons. When a numerically-based selection process is used, such persons shall be eligible for preference points and ranking on the register as provided by Rule 55A-7.010, F.A.C., of this chapter. When a numerically-based selection process is not used, Rule 55A-7.011, F.A.C., applies. Eligibility for preference in promotion shall apply only to a veteran’s first promotion after reinstatement or reemployment, without exception.

(3) through (4) No change.

Rulemaking Authority 295.07(2) FS. Law Implemented 295.08, 296.085, 295.09 FS. History—New 3-30-88, Formerly 22VP-1.0111, Amended 6-11-08, 6-27-16,\_\_\_\_\_.

55A-7.013 Documentation of Preference Claim.

(1) through (6) No change.

(7) Documentation for all applicants may shall include: a Veterans’ Preference Certification, FDVA form VP-1, incorporated by reference and found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06983>, a simple letter, form, or other written application containing essentially the same information, and the following:

(a) through (d) No change.

(e) The mother, father, legal guardian, or unremarried widow or widower of a deceased veteran shall furnish a document from the Department of Defense showing the death of the service member while on duty status under combat-related conditions or the DVA certifying the service-connected death of the veteran. The mother, father, or legal guardian shall provide evidence of familial relationship, such as a birth certificate. The unremarried widow or widower of a deceased

veteran shall furnish a document from the Department of Defense or the DVA certifying the service-connected death of the veteran, and shall provide evidence of marriage, such as a marriage certificate, and certification that the spouse has not remarried. This evidence may be proved by providing a completed Certification of Unremarried Widow or Widower, FDVA form VP-3, incorporated by reference and found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06985> or document or form that similarly provides evidence regarding such the status. This document is intended to facilitate granting rather than denying a benefit.

(f) The current member of any reserve component of the United States Armed Forces shall provide a signed memorandum stating he or she is serving Honorably from his or her Commander or military human resource personnel, or a completed Certification of Current Member of Reserve Component of the United States Armed Forces or The Florida National Guard, FDVA form VP-2, incorporated by reference and found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06984>, signed by an immediate military supervisor, in addition to the FDVA form VP-1. The current service member of any active component of the United States Armed Forces who is expected to be discharged or released from active duty service under honorable conditions no later than 120 days after the date that a Statement of Service certification or letter is prepared by the armed forces, shall be treated as a preference-eligible applicant. These documents may be provided in lieu of a DD-214 or other documentation which may not be available until active service has ended.

(g) The employer has an affirmative duty to notify the applicant if a timely submitted veterans’ preference claim is later found to be missing information; the employer shall advise the applicant of what is missing and provide a reasonable amount of time for the applicant to cure the deficiency. Specifically, the employer shall advise the applicant using e-mail, written correspondence or another method, which may be later provided as evidence to the Department and the Public Employees Relations Commission, of what veterans’ preference documentation is missing, and thereafter request that the applicant for the veterans’ preference benefit cure any deficiency by submitting the missing documentation within five (5) business days following the date the request is received by the person seeking the veterans’ preference benefit. An employer must document at least one attempt to contact the applicant.

Rulemaking Authority 295.07(2) FS. Law Implemented 295.065, 295.07, 295.11 FS. History—New 3-30-88, Formerly 22VP-1.013, Amended 2-12-90, 7-12-93, 12-27-98, 6-11-08, 6-27-16,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-3.248 Pediatric Cardiac Programs

PURPOSE AND EFFECT: The Agency proposes to create a section in hospital rules to align with recently revised statutory requirements per Chapter 2018-24, Laws of Florida. Section 395.1055, FS. directs the Agency, in consultation with the pediatric cardiac technical advisory panel, to establish standards for pediatric cardiac catheterization and pediatric cardiovascular surgery programs.

SUBJECT AREA TO BE ADDRESSED: Criteria for pediatric cardiac programs within hospitals.

RULEMAKING AUTHORITY: 395.1055, FS.

LAW IMPLEMENTED: 395.1055, 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: November 29, 2018, 10:30 am – 12:00 pm

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jessica Munn, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4359. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jessica Munn at (850)412-4359 or email at Jessica.Munn@ahca.myflorida.com.

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

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.: RULE TITLE:

73B-6.001 Everglades Restoration Agricultural Community Employment Training Program

PURPOSE AND EFFECT: To establish the structure for awarding grants pursuant to section 446.71, F.S., the Everglades Restoration Agricultural Employment Training Program.

SUBJECT AREA TO BE ADDRESSED: Section 446.71, F.S., enacts the Everglades Restoration Agricultural Employment

Training Program to stimulate and support training and employment programs that match participants with nonagricultural employment opportunities in areas of high agricultural unemployment, and to provide other training, educational, and information services necessary to stimulate the creation of jobs in those areas.

RULEMAKING AUTHORITY: 446.71(8), FS.

LAW IMPLEMENTED: 446.71, 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: Adam Callaway, Assistant General Counsel, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399, Adam.Callaway@deo.myflorida.com, (850)245-7150

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

**Section II  
Proposed Rules**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-4.002 Provider Reimbursement Schedules and Billing Codes

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.002, Florida Administrative Code, (F.A.C.), is to update fee schedules and billing codes.

SUMMARY: The amendment revises the January 1, 2018 Practitioner Fee Schedule, Practitioner Laboratory Fee Schedule, Prescribed Pediatric Extended Care Services Fee Schedule, Outpatient Laboratory Fee Schedule, Ambulatory Surgical Center Services Fee Schedule, Birth Center Fee Schedule, Hospice Services Billing Codes, Hospital Outpatient Services Billing Codes, and Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All 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.

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

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: November 21, 2018 from 10:30 a.m. 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: Jesse Bottcher. 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: Jesse Bottcher, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4242, e-mail: Jesse.Bottcher@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 5:00 p.m., November 26, 2018. Comments may be e-mailed to [MedicaidRuleComments@ahca.myflorida.com](mailto: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-4.002 Provider Reimbursement Schedules and Billing Codes.

(1) This rule applies to providers rendering Florida Medicaid services to recipients.

(2) Florida Medicaid reimburses for services rendered in the fee-for-service delivery system based on a fee schedule, cost report, or contract. The following fee schedules and billing codes are incorporated by reference and available on the Agency for Health Care Administration's website at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

(3) Florida Medicaid Fee Schedules Effective July ~~January~~ 1, 2018:

(a) Ambulatory Surgical Center Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(b) Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(c) Outpatient Laboratory Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(d) Practitioner Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(e) Practitioner Laboratory Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(f) Prescribed Pediatric Extended Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(g) Birth Center Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(h) Hospice Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(i) Hospital Outpatient Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(4) Florida Medicaid Fee Schedules Effective January 1, 2018:

~~(a) Ambulatory Surgical Center Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-09184>~~

~~(a) (b) Assistive Care Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-09185>~~

~~(b) (e) Behavior Analysis Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-09186>~~

~~(c) (d) Behavioral Health Overlay Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-09187>~~



- ~~(e)~~ Birth Center Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09188>.
- ~~(d)~~~~(f)~~ Child Health Targeted Case Management Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09189>.
- ~~(e)~~~~(g)~~ Community-Based Substance Abuse County Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09190>.
- ~~(f)~~~~(h)~~ Community Behavioral Health Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09191>.
- ~~(g)~~~~(i)~~ County Health Department Certified Match Program Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09192>.
- ~~(h)~~~~(j)~~ Dental Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09193>.
- ~~(k)~~ Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09194>.
- ~~(i)~~~~(4)~~ Early Intervention Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09195>.
- ~~(j)~~~~(m)~~ Transportation Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09196>.
- ~~(k)~~~~(n)~~ Hearing Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09197>.
- ~~(l)~~~~(o)~~ Home Health Visit Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09198>.
- ~~(m)~~~~(p)~~ Immunization Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09199>.
- ~~(n)~~~~(q)~~ Independent Laboratory Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09200>.
- ~~(o)~~~~(r)~~ Licensed Midwife Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09201>.
- ~~(p)~~~~(s)~~ Medicaid Certified School Match Program Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09202>.
- ~~(q)~~~~(t)~~ Medical Foster Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09203>.
- ~~(r)~~~~(u)~~ Mental Health Targeted Case Management Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09204>.
- ~~(s)~~~~(v)~~ Occupational Therapy Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09205>.
- ~~(w)~~ Outpatient Laboratory Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09206>.
- ~~(t)~~~~(x)~~ Personal Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09207>.
- ~~(u)~~~~(y)~~ Physical Therapy Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09208>.
- ~~(v)~~~~(z)~~ Physician Pediatric Surgery Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09209>.
- ~~(aa)~~ Practitioner Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09210>.
- ~~(bb)~~ Practitioner Laboratory Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09211>.
- ~~(w)~~~~(ee)~~ Prescribed Drug Fee Schedule (Not Reviewed by the Pharmaceutical and Therapeutic Committee)  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09212>.
- ~~(dd)~~ Prescribed Pediatric Extended Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09213>.
- ~~(x)~~~~(ee)~~ Private Duty Nursing Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09214>.
- ~~(y)~~~~(ff)~~ Radiology Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09215>.
- ~~(z)~~~~(gg)~~ Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09216>.
- ~~(aa)~~~~(hh)~~ Regional Perinatal Intensive Care Center (RPICC) Obstetrical Services Fee Schedule

- <https://www.flrules.org/Gateway/reference.asp?No=Ref-09217>.  
~~(bb)(ii)~~ Respiratory Therapy Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09218>.  
~~(cc)(jj)~~ Specialized Therapeutic Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09219>.  
~~(dd)(kk)~~ Speech-Language Pathology Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09220>.  
~~(ee)(ll)~~ Targeted Case Management for Children at Risk of Abuse and Neglect Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09221>.  
~~(ff)(mm)~~ Visual Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09222>.  
~~(5)(4)~~ Florida Medicaid Billing Codes Effective January 1, 2018:  
 (a) County Health Department Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09223>.  
 (b) Federally Qualified Health Center Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09224>.  
~~(c) Hospice Services Billing Codes~~  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09225>.  
~~(d) Hospital Outpatient Services Billing Codes~~  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09226>.  
~~(c)(e)~~ Intermediate Care Facility for Individuals with Intellectual Disabilities Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09227>.  
~~(d)(f)~~ Nursing Facility Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09228>.  
~~(e)(g)~~ Rural Health Clinic Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09229>.  
~~(f)(h)~~ Statewide Inpatient Psychiatric Program Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09230>.  
 Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11, 7-16-13, 5-21-14, 6-20-16, 6-22-17, 2-7-18,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Matt Brackett  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin M. Senior  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 22, 2018

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-35.003  
 RULE TITLE: Qualification Program for Special Inspectors of Threshold Buildings

PURPOSE AND EFFECT: The proposed rule amendment is intended to update and clarify the incorporated application form, including separate pages for design and inspection experience and details on threshold building parameters.

SUMMARY: Clarify and update the incorporated application 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: 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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033, 553.79(5)(a) 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: : Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

- (1) No change.
- (2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/006 (08/18) ~~(12/17)~~ is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/006 may be obtained from the Board office or by downloading it from the internet website [www.fbpe.org/licensure/application-process](http://www.fbpe.org/licensure/application-process) or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09183>.

- (b) through (d) No change.
- (3) No change.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 553.79(5)(a) FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, 11-29-04, 2-4-13, 2-28-16, 6-6-16, 6-26-17, 4-8-18, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2018

**DEPARTMENT OF HEALTH**

RULE NO.: 64-5.001  
 RULE TITLE: Out of Hospital Birth Adverse Incident Reporting

PURPOSE AND EFFECT: To provide for physician, nurse midwives, and licensed midwives reporting of adverse incidents associated with planned out-of-hospital births as defined in section 456.0495, F.S., pursuant to recently enacted legislation.

SUMMARY: This rulemaking provides a form and process for physicians, nurse midwives and licensed midwives to report adverse incidents associated with planned out-of-hospital births.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

RULEMAKING AUTHORITY: 456.0495, FS.  
 LAW IMPLEMENTED: 456.0495, 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: Lucy Gee, Division Director, 4052 Bald Cypress Way, Bin #C-00, Tallahassee, Florida 32399 or [Lucy.Gee@FHHealth.gov](mailto:Lucy.Gee@FHHealth.gov).

THE FULL TEXT OF THE PROPOSED RULE IS:

64-5.001 Out-of-Hospital Birth Adverse Incident Reporting.

A physician licensed under chapter 458 or 459, a nurse midwife certified under part I of chapter 464, or a midwife licensed under chapter 467, shall report adverse incidents, as defined in section 456.0495, F.S., over which he or she could exercise control that are associated with a planned out-of-hospital birth to the Department on Form DH5029-MQA, Adverse Incident Report for Planned Out-of-Hospital Births, 07/2018, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-####>, within 15 days after the adverse incident occurs.

Rulemaking Authority 456.0495, FS. Law Implemented 456.0495, FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lucy Gee, Division Director, Division of Medical Quality Assurance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH, Surgeon General and Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 7, 2018

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.: 64E-21.001  
 RULE TITLE: Drowning Prevention Education/Public Information Publication

PURPOSE AND EFFECT: To update language regarding required drowning prevention education programs, drowning prevention and responsibilities of swimming pool ownership.

SUMMARY: This rulemaking updates information and education resources regarding residential swimming pool ownership and mandatory drowning prevention education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 515.31, 515.35, FS.

LAW IMPLEMENTED: 515.31, 515.33, 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: M.R. Street, MPH, MSI, Bureau of Family Health Services, 4052 Bald Cypress Way, Bin #A-18, Tallahassee, Florida 32399 or (850)245-4982.

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-21.001 Drowning Prevention Education/Public Information Publication.

(1) The educational program required in Section 515.31, F.S., shall be the online course "Home Pool Essentials," co-developed by the American Red Cross and the National Swimming Pool Foundation 1995 American Red Cross Community Water Safety Course which is incorporated by reference and available at a cost at <https://www.nspf.org/training> or <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety/home-pool-safety.html> ~~from the American Red Cross Chapter located within any Florida County. The agency has determined that posting the incorporated materials would be a violation of federal trademark law. The materials are available for public inspection at: the Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399; and the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399. A copy of the course may be obtained from from the National Swimming Pool Foundation, 4775 Granby Circle, Colorado Springs, Colorado 80919, 719-540-9119.~~

(2) Information on drowning prevention and responsibilities of pool ownership is contained in the ~~1994~~ U.S. Consumer Product Safety Commission publication Number 362, August 2012, Safety Barrier Guidelines for Residential Home Pools which is incorporated by reference and available at no charge online at <https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf> or from the Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814 Washington, D.C. 20207, and at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(3) In accordance with Section 515.33, F.S., the document containing the requirements of this chapter shall be Sections 515.21 through 515.37, F.S., 2018 2000, which are incorporated by reference and available online at [www.leg.state.fl.us/statutes](http://www.leg.state.fl.us/statutes) or at a cost from the Law Book Services Office, Room 612, 111 West Madison Street, Tallahassee, Florida 32399-1400. Rulemaking Specific Authority 515.31, 515.35 FS. Law Implemented 515.31, 515.33 FS. History–New 7-1-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: M.R. Street, MPH, MSI, Bureau of Family Health Services  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH, Surgeon General and Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 14, 2017

**FISH AND WILDLIFE CONSERVATION COMMISSION****Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:  
68A-29.002 Regulations Relating to the Taking of Mammals

**PURPOSE AND EFFECT:** The purpose of this proposed rule is to create a mammal chapter similar to existing chapters for birds (68A-16, F.A.C), reptiles (68A-25, F.A.C), and amphibians (68A-26, F.A.C.). The species included in this rule are included to continue to limit take to prevent the need to be listed as an endangered or threatened species in the future or to reduce the risk that they will be taken, possessed, bred, or sold as part of the pet trade. The effect of this rule is to be more specific than language provided in rule 68A-4.001, F.A.C about which mammal species may not be taken, bought, sold, or possessed as pets and to provide clarity to law enforcement and the public about non-game mammal regulations.

**SUMMARY:** When the Commission delisted from the endangered or threatened species list four mammal species as part of the Imperiled species management plan, there were conflicts with other sections of chapter 68A as it relates to regulations for mammals. Captive Wildlife rule 68A-6.0022, F.A.C states that any squirrel, shrew, mouse, or chipmunk could be possessed as a personal pet without a permit unless otherwise regulated. Once the four species of mammals become delisted, they could be kept as personal pets and potentially put the species at risk for listing in the future. This mammal chapter outlines protections for mammal species being delisted or those that were recently delisted as part of the Imperiled Species Management Plan, species with similarity of appearance concerns, and possession limits for species that may be maintained as pets. The rule re-states language found in General prohibitions, rule 68A-4.001, F.A.C, and provides specific examples for law enforcement and the public about species that should not be taken, transported, stored, bought, sold, served, or possessed without a permit from FWC.

**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:** Art. IV, Sec. 9, Florida Constitution

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution  
**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATES AND TIMES:** During the Commission's regular meeting December 12-13, 8:30 a.m. to 5:00 p.m., each day

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

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:** Dr. Brad Gruver, Section Leader, Species Conservation Planning Section, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

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

68A-29.002 Regulations Relating to the Taking of Mammals.

For mammals not listed in Chapter 68A-27, F.A.C. or not regulated under 68A-24, the following restrictions control the take as defined in 68A-1.004, F.A.C. of the mammals listed below:

(1) None of the following species or their young, homes, dens or nests shall be taken, transported, stored, served, bought, sold or possessed in any manner at any time unless specifically permitted except as authorized in Commission-approved guidelines or by permit from the executive director as provided in Rules 68A-9.002, 68A-9.006, or 68A-9.010, F.A.C., relating to the permitting of take of wildlife or freshwater fish for justifiable purposes, wildlife rehabilitation, or take of nuisance wildlife:

- a. Florida mouse (*Podomys floridanus*),
- b. Shrews (*Cryptotis* spp., *Blarina* spp., *Sorex* spp.),
- c. Fox squirrels (*Sciurus niger* ssp.),
- d. Bats (*Corynorhinus* spp., *Myotis* spp., *Perimyotis* spp., *Eptesicus* spp., *Lasiurus* spp., *Nycticeius* spp., *Tadarida* spp.),
- e. American Mink (*Neovison vison* spp.).

f. Santa Rosa beach mouse (*Peromyscus polionotus leucocephalus*).

g. Pine vole (*Microtus pinetorum*).

h. Long-tailed weasel (*Mustela frenata* ssp.).

i. Round-tailed muskrat (*Neofiber alleni*).

(2) No person shall buy, sell, or possess for sale any of the following mammals, except as authorized by 68A-9, F.A.C., nor shall any person possess more than one of Eastern chipmunk (*Tamias striatus*), Southeastern pocket gopher (*Geomys pinetis*), or Marsh rabbit (*Sylvilagus palustris*). No person shall buy, sell, or possess for sale, except as authorized by 68A-9, F.A.C., nor shall any person possess more than 3 Southern flying squirrels (*Glaucomys volans*) for personal use.  
 Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const, History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Bradley J. Gruver

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 16, 2018

### Section III

#### Notice of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Barbers' Board

RULE NO.: 61G3-21.001  
 RULE TITLE: Normal Penalty Ranges

##### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 44 No. 172, September 4, 2018 issue of the Florida Administrative Register.

The corrections are as follows:

Substantial rewording of Rule 61G3-21.001 follows. See Florida Administrative Code for present text.

Each violation listed will be numbered (1) through (31). Violations for (29) and (30) will both contain subparagraphs to be numbered (a) and (b).

### Section IV

#### Emergency Rules

NONE

### Section V

#### Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: 58A-5.036  
 RULE TITLE: Emergency Environmental Control for Assisted Living Facilities

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on October 16, 2018, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from Lakeview Terrace Assisted Living Facility. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to [alfrulecomment@elderaffairs.org](mailto:alfrulecomment@elderaffairs.org).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at [doeapublicrecords@elderaffairs.org](mailto:doeapublicrecords@elderaffairs.org), (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-4.1265  
 RULE TITLE: Emergency Environmental Control for Nursing Homes

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 22, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5), F.A.C. from Palms Facility Inc. d/b/a Palms Care Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018015744. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing [LTCstaff@ahca.myflorida.com](mailto:LTCstaff@ahca.myflorida.com).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing [LTCstaff@ahca.myflorida.com](mailto:LTCstaff@ahca.myflorida.com).

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-4.1265  
 RULE TITLE: Emergency Environmental Control for Nursing Homes

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 22, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5), F.A.C. from Palmetto Facility Inc.

d/b/a Palmetto Care Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018015740. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 30, 2018, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from La Jamoteca Inc. located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the three compartment sink and the handwash sink.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On October 22, 2018 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Muschette

LLC located in Fort Lauderdale. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 44/207 on October 23, 2018. The Order for this Petition was signed and approved on October 30, 2018. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Bigg Mouth Bait and Tackle Inc. (3590 W Broward Blvd Ft. Lauderdale, FL 33312), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Panfiyah (Muschette LLC) and/or Bigg Mouth Bait and Tackle Inc. (Bigg Mouth Bait and Tackle Inc. Kevin Eubanks) changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-3.009 Continuing Education for Active and Inactive Broker and Sales Associate Licensees

NOTICE IS HEREBY GIVEN that on October 25, 2018, the Florida Real Estate Commission, received a petition for variance or waiver filed by Albin J. Varoski III, seeking a variance or waiver of subsection 61J2-3.009(3), Florida Administrative Code, which states that a provider shall issue notice of satisfactory classroom course completion only to a licensee attending a minimum of 90% of each of the classroom hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, Florida 32801, Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-5.004 Selection of Housing.

NOTICE IS HEREBY GIVEN that on October 24, 2018, the Agency for Persons with Disabilities, received a petition for Medicaid variance and/or waiver of Rule 65G-5.004, F.A.C., from Ms. Tessa Lyn Solomon, Petitioner. The rule states in part that “Neither the supported living provider nor the immediate family of the supported living provider shall serve as landlord or have any interest in the ownership of the housing unit.” The Petitioner seeks a waiver or variance from this portion of Rule 65G-5.004(b).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gypsy Bailey, Deputy General Counsel/Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)410-1309, Gypsy.Bailey@APDCares.org.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-18.002 Funeral Director Intern Training Program.

The Division of Funeral, Cemetery, and Consumer Services hereby gives notice: that the request for waiver, by Joel Gilchrist, that another internship be granted wherein he will need to complete another four quarters, and begin his internship anew as if the first time. was granted at the October 4, 2018 Board Meeting.

A copy of the Order or additional information may be obtained by contacting: Jasmin Richardson at (850)413-3039.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that on October 16, 2018, the Florida Office of Financial Regulation, received a petition for Temporary Waiver from Title XXXIII, Chapter 560, Section 304 from Wal-Mart Stores East, LP. Section 560.304, Florida Statutes, establishes an exemption from licensure to “a person cashing payment instruments that have an aggregate face value of less than \$2,000 per person per day and that are incidental to the retail sale of goods or services ” The Petitioner is seeking a temporary waiver of the \$2,000 limit for a period of 90 days in order to serve customers cashing U.S. Treasury-issued FEMA checks up to and including a face value of \$7,500.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@lofr.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Bureau of Historic Preservation, Florida National Register Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2018, 1:30 p.m.

PLACE: Room 307 of the R.A. Gray Building at 500 S. Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida National Register Review Board to review and approve proposed National Register nominations.

Via

Webinar:

<https://attendee.gotowebinar.com/register/2786409149597176>

065, Webinar ID: 324-823-251

Note: This notice was originally published on 10/30/2018,

volume 44/212.

A copy of the agenda may be obtained by contacting: Ruben A. Acosta, Survey and Registration Supervisor (850)245-6364 or [ruben.acosta@dos.myflorida.com](mailto:ruben.acosta@dos.myflorida.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: Ruben A. Acosta at (850)245-6364 or via email: [ruben.acosta@dos.myflorida.com](mailto:ruben.acosta@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ruben A. Acosta at (850)245-6364 or via email: [ruben.acosta@dos.myflorida.com](mailto:ruben.acosta@dos.myflorida.com).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

The Viticulture Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 13, 2018, 9:30 a.m.

PLACE: Lakeridge Winery & Vineyards, 19239 U.S. 27 North, Clermont, FL 34715



**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Committee Meetings, Annual Industry Status Reports, Fund Collections, Committee Reports

A copy of the agenda may be obtained by contacting: Emily Hetherington at (850)617-7291

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: Emily Hetherington at (850)617-7291. 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: Emily Hetherington at (850)617-7291

**DEPARTMENT OF TRANSPORTATION**

The Florida Transportation Commission announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 22, 2018, Cancellation

**PLACE:** 605 Suwannee Street, Tallahassee, Florida, 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Conference Call is cancelled - Thanksgiving Holiday

A copy of the agenda may be obtained by contacting: The Florida Transportation Commission, 605 Suwannee Street, Tallahassee, Florida, 32399, (850)414-4105

For more information, you may contact: The Florida Transportation Commission, 605 Suwannee Street, Tallahassee, Florida, 32399, (850)414-4105

**EXECUTIVE OFFICE OF THE GOVERNOR**

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

**DATE AND TIME:** Tuesday, November 13, 2018, 2:00 p.m. until all business is complete.

**PLACE:** Phone: 1(888)670-3525, Passcode: 3360784946#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business

A copy of the agenda may be obtained by contacting: Savannah Kelly, savannah@volunteerflorida.org, (850)414-7400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Savannah Kelly, savannah@volunteerflorida.org, (850)414-7400. 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: Savannah Kelly, savannah@volunteerflorida.org, (850)414-7400.

**REGIONAL PLANNING COUNCILS**

**Northeast Florida Regional Planning Council**

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

**DATE AND TIME:** November 14, 2018, 10:00 a.m.

**PLACE:** St. Johns County Fire Rescue Headquarters, 3657 Gaines Road, St. Augustine, FL 32084

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Local Emergency Planning Committee (LEPC) quarterly meeting.

A copy of the agenda may be obtained by contacting: Tyler Nolen at (904)279-0880 or tnolen@nefrc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: (904)279-0880. 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).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, December 11, 2018, 2:00 p.m. – 4:00 p.m.

**THIS NOTICE REPLACES THE NOTICE PUBLISHED IN VOL. 44, NO 187, F.A.R., SEPTEMBER 25, 2018. PLEASE NOTE THAT THE DATE FOR THE POST AWARD FORUM HAS CHANGED FROM OCTOBER 30, 2018 TO DECEMBER 11, 2018.**

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308. To participate by phone, please call 1(888)339-2688 and enter the participant code 716 467 78.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Agency for Health Care Administration will hold its annual Post Award Forum on Florida’s Family Planning program. The annual Post Award Forum provides stakeholders the opportunity to provide meaningful comment on the progress of the Family Planning program. The Family Planning program operates under the authority of an 1115 Research and

Demonstration Waiver approved by the Centers for Medicare and Medicaid Services. The Post Award Forum will be held during the Medical Care Advisory Committee meeting, 2:00 p.m. – 4:00 p.m. on Tuesday, December 11, 2018. The public will have an opportunity to provide comments during the forum.

A copy of the agenda may be obtained by contacting: Ms. Carla Sims, telephone (850)412-4013, email: Carla.Sims@ahca.myflorida.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: Ms. Carla Sims, telephone (850)412-4013, email: Carla.Sims@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 11, 2018, 2:00 p.m. – 4:00 p.m.

THIS NOTICE REPLACES THE NOTICE PUBLISHED IN VOL. 44, NO 187, F.A.R., SEPTEMBER 25, 2018. PLEASE NOTE THAT THE DATE FOR THE POST AWARD FORUM HAS CHANGED FROM OCTOBER 30, 2018 TO DECEMBER 11, 2018.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308. To participate by phone, please call 1(888)339-2688 and enter the participant code 716 467 78.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will hold its annual Post Award Forum on Florida’s Managed Medical Assistance (MMA) program. The annual Post Award Forum provides stakeholders the opportunity to provide meaningful comment on the progress of the MMA program. The MMA program operates under the authority of an 1115 Research and Demonstration Waiver approved by the Centers for Medicare and Medicaid Services. The Post Award Forum will be held during the Medical Care Advisory Committee meeting, 2:00 p.m. – 4:00 p.m. on Tuesday, December 11, 2018. The public will have an opportunity to provide comments during the forum.

A copy of the agenda may be obtained by contacting: Ms. Carla Sims, telephone (850)412-4013, email: Carla.Sims@ahca.myflorida.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: Ms. Carla Sims, telephone (850)412-4013, email: Carla.Sims@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Employee Leasing Companies**

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

DATE AND TIME: Wednesday, November 14, 2018, 9:00 a.m.

PLACE: Hilton St. Petersburg Bayfront, 333 1st S., St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wednesday, November 14, 2018, 9:00 a.m. - Disciplinary Hearings and General Board and Business Meeting.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

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: A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984. 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: A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

**DEPARTMENT OF HEALTH**

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

DATES AND TIMES: Thursday, November 8, 2018, 3:00 p.m., ET; Friday, November 16, 2018 3:00 p.m. ET; Monday, November 19, 2018, 3:00 p.m., ET; Tuesday, October 27, 2018, 3:00 p.m. ET;

PLACE: Florida Department of Health, 4042 Bald Cypress Way, Tallahassee FL 32399,

Conference Line: 1(888)670-3525, participant code: 3592419889 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business of the Florida Trauma System Advisory Council. The purpose of these meetings is to facilitate informal discussion between council members pursuant to Chapter 286, Florida Statutes, and Article I, Section 24, of the Florida Constitution. The Florida Trauma System Advisory Council will not vote or take any official action during the meetings.

A copy of the agenda may be obtained by contacting: Michael Leffler at (850)558-9535 or michael.leffler@flhealth.gov.

For more information, you may contact: Michael Leffler at (850)558-9535 or michael.leffler@flhealth.gov.

**DEPARTMENT OF CHILDREN AND FAMILIES**

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2018, 9:00 a.m.

PLACE: 1003 E. Palm Avenue, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Ongoing Hillsborough County Alliance business.

A copy of the agenda may be obtained by contacting: Ilka Suda, 1(813)337-5805.

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: Ilka Suda, 1(813)337-5805. 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 CHILDREN AND FAMILIES**

**Refugee Services**

The Southwest Florida (SWFL) Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 7, 2018, 1:00 p.m. – 3:00 p.m.

PLACE: USCIS Fort Myers Field Office, 4220 Executive Circle, Suite 1, Fort Myers, Florida 33916

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the Southwest Florida Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Janet Blair at 1(813)545-1716 or David Draper at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: 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: Janet Blair at 1(813)545-1716 or David Draper at (407)317-7335.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

The Wildlife Alert announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2018, 1:00 p.m.

PLACE: Conference Call/ Tallahassee

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Reschedule of second annual meeting. Will be reviewing financial and old and new business.

A copy of the agenda may be obtained by contacting: Hailee Melott, Hailee.Melott@MyFWC.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Hailee Melott, Hailee.Melott@MyFWC.com.

**Section VII**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Construction Industry Licensing Board**

NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has received the petition for declaratory statement from Shawn J. Riley. The petition seeks the agency's opinion as to the applicability of subsection 489.105(3) and paragraph 489.105(3)(m), F.S., as it applies to the petitioner.

Petitioner seeks a determination from the Board regarding whether Emergency Mitigation Services (removal of insulation, drywall, cabinets, plumbing supplies, drains and fixtures

required to mitigate damages) requires licensure of a Certified Division 1 or 2 Contractor. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399-1039, or telephone: (850)487-1395, or by electronic mail – Donald.Shaw@myfloridalicense.com.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: RULE TITLE:

64B-7.001 Pain Management Clinic Registration Requirements; Inspection and Registration Fees

NOTICE IS HEREBY GIVEN that Department of Health has issued an order disposing of the petition for declaratory statement filed by Milind Tilak, M.D., of Doctors Inlet Internal Medicine, Spine and Pain Clinic and Avenues Internal Medicine Clinic on August 24, 2018. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published August 31, 2018, in Vol. 44, No. 171 of the Florida Administrative Register. The Petition asks if Avenues Internal Medicine Clinic can relinquish its registration as a pain management clinic registration without violating the registration requirements set forth in statute and rule. The Petition was answered in the affirmative. Avenues Internal Medicine Clinic does not meet the statutory definition of pain management clinic and is relieved of the responsibility of registration.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: the Agency Clerk, Florida Department of Health, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, Florida 32399-1703; (850)245-4005, or Shannon.Revels@FIHealth.gov.

**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 3:00 p.m., Wednesday, October 24, 2018 and 3:00 p.m., Tuesday, October 30, 2018.

Rule No.	File Date	Effective Date
40D-3.037	10/25/2018	11/14/2018
53ER18-60	10/25/2018	10/25/2018
53ER18-61	10/25/2018	10/25/2018
53ER18-62	10/25/2018	10/25/2018
53ER18-63	10/25/2018	10/25/2018
53ER18-64	10/25/2018	10/25/2018
61G16-1.0071	10/29/2018	11/18/2018
61G16-2.001	10/29/2018	11/18/2018
62-304.515	10/26/2018	11/15/2018
64B3-3.001	10/25/2018	11/14/2018

64B5-13.005	10/25/2018	11/14/2018
64B8-30.014	10/26/2018	11/15/2018
64B8-30.015	10/26/2018	11/15/2018
64B15-6.01051	10/26/2018	11/15/2018
64B15-6.011	10/26/2018	11/15/2018
64B15-13.001	10/26/2018	11/15/2018
64B15-13.0025	10/26/2018	11/15/2018
64B15-19.007	10/26/2018	11/15/2018
<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>
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****

DEPARTMENT OF HEALTH

Board of Nursing  
Notice of Emergency Action

On October 30, 2018, the State Surgeon General issued an Order of Emergency Restriction with regard to the license of Marco Davila, L.M.T., License # MA 85224. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing  
Notice of Emergency Action

On October 30, 2018, State Surgeon General issued an Order Lifting Emergency Restriction of License with regard to the license of William Edward Simpkins, Jr., R.N., License No. RN 9214479. The Department orders that the Emergency Restriction of License be lifted.

DEPARTMENT OF HEALTH

Board of Nursing  
Notice of Emergency Action

On October 30, 2018, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Jessica L. Frazier, R.N., License # RN 9390845. This

Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing  
Notice of Emergency Action

On October 30, 2018, the State Surgeon General issued an Order of Emergency Suspension with regard to the certificate of Dimitrice Saint Juste, C.N.A., Certificate # CNA 237796. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing  
Notice of Emergency Action

On October 30, 2018, the State Surgeon General issued an Order of Emergency Suspension with regard to the certificate of Photina A. Poinsette, C.N.A., Certificate # CNA 113884. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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.