

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE NO.:       RULE TITLE:

5L-1.003       Shellfish Harvesting Area Standards

**PURPOSE AND EFFECT:** The proposed rule amendments will reclassify shellfish harvesting areas and update the associated maps to protect the health of shellfish consumers and to provide access to renewable shellfish resources. The effect of these amendments is to maximize the amount of shellfish harvesting waters available and to maximize the times those waters will be in the open status while continuing to protect the public health. **SUBJECT AREA TO BE ADDRESSED:** The following shellfish harvesting areas and management plans will be amended: Pensacola Bay (#02), North Bay (#10), East Bay (#12), Horseshoe Beach (#25), Suwannee Sound (#28), Withlacoochee Bay(#34), Lower Tampa Bay (#48), Gasparilla Sound (#56) and Ten Thousand Island (#66). Waccasassa (#32) to correct the legal description with a GPS point that was previously not included.

**RULEMAKING AUTHORITY:** 597.020 FS.

**LAW IMPLEMENTED:** 597.020 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:** Jill Fleiger, Division of Aquaculture, 600 S Calhoun Street, Suite 217, Tallahassee, Florida 32399, phone: (850)617-7600

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:       RULE TITLE:

6A-1.09422     Statewide, Standardized Assessment  
Program Requirements

**PURPOSE AND EFFECT:** To establish new concordant scores for the grade 10 Florida Standards Assessment (FSA) English Language Arts (ELA) assessment and comparative scores for the FSA Algebra 1 End-of-Course (EOC) Assessment. This rule will incorporate significant portions of Rule 6A-1.094223,

F.A.C., which will be repealed. Sections 1008.22(8) and (9), F.S., provide authority to the State Board of Education to adopt in rule passing scores that are concordant with the Grade 10 ELA assessment and passing scores that are comparable to the Algebra 1 EOC Assessment. The effect of this change will allow the Department of Education to codify concordant and comparative passing scores in rule.

**SUBJECT AREA TO BE ADDRESSED:** Grade 10 ELA Assessment and Algebra 1 EOC Assessment.

**RULEMAKING AUTHORITY:** 1008.22 FS.

**LAW IMPLEMENTED:** 1003.4282, 1008.22 FS.

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

**DATE AND TIME:** March 20, 2018, 4:00 p.m. until the conclusion of business.

**PLACE:** Via webinar at 1(888)670-3525, Conference Code: 4073661188 #.

Please register for the webinar at <https://attendee.gotowebinar.com/register/3606564554106021377>. After registering, a confirmation email will be sent containing information about joining the webinar.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Vince Verges, Assistant Deputy Commissioner, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development, go to <https://web02.fldoe.org/rules/> or in writing to Chris Emerson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:       RULE TITLE:

33-501.401     Admissible Reading Material

**PURPOSE AND EFFECT:** To implement a re-review process for previously rejected publications that due to the passage of time, change in societal norms, or other extenuating circumstances warrant a separate re-review to determine their rejection from or admissibility to an institution.

**SUBJECT AREA TO BE ADDRESSED:** The Literature Review Committee process for re-reviewing formerly rejected publications in institutions.

**RULEMAKING AUTHORITY:** 944.09, 944.11 FS.

**LAW IMPLEMENTED:** 944.11, 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: Gregory Hill, 501 South Calhoun Street, Tallahassee, Florida 32399.

Interested parties should contact the person identified above for preliminary or proposed text as it becomes available.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:

61G15-22.0001 License Renewal

PURPOSE AND EFFECT: The proposed amendment updates the application form and adds a requirement that delinquent status licensees must attach documentation of completion of required continuing education (CE) hours when renewing.

SUBJECT AREA TO BE ADDRESSED: Requirements for renewal of delinquent status licensees and application form.

RULEMAKING AUTHORITY: 455.271(2), (5), (6)(a), (7), 471.011, 471.017(2) FS.

LAW IMPLEMENTED: 455.02(1), 455.271(2), (5), (6)(a), (7), 471.011, 471.017 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500.

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

**Section II  
Proposed Rules**

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-30.433 Rate Case Proceedings

PURPOSE AND EFFECT: The rule is amended so that the Commission in water and wastewater rate cases evaluates quality of service separately from the infrastructure and operational conditions of utility plant and facilities; codifies

existing agency practice, and updates the rule for consistency with current statutes and Commission rules.

Docket No. 20180029-WS

SUMMARY: Under the amended rule, the Commission in rate cases evaluates quality of service separately from its evaluation of the infrastructure and operational conditions of the utility plant and facilities. The amended rule codifies the information the Commission considers when evaluating the utility’s quality of service and the infrastructure and operational conditions of the utility’s plant and facilities; deletes language that conflicts with statutory requirements; and modifies language for consistency with language of other related Commission rules.

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

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

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and that there would likely be minimal transactional costs to the individual and entities, including government entities, required to comply with the rule. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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

RULEMAKING AUTHORITY: 350.127(2), 367.0812(5), 367.0814, 367.121, 367.1213, FS.

LAW IMPLEMENTED: 367.081, 367.0812(1), 367.0814, 367.0822, 367.1213, 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: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.433 Rate Case Proceedings.

In a rate case proceeding, the following provisions shall apply, unless the applicant or any intervenor demonstrates that these rules result in an unreasonable burden. In these instances, fully supported alternatives will be considered by the Commission. Any alternatives proposed by the utility must be filed with the minimum filing requirements.

(1) The Commission in every rate case shall make a determination of the quality of service provided by the utility by evaluating the ~~three separate components of water and wastewater utility operations: quality of utility's product (water and wastewater); operational conditions of utility's plant and facilities; and the utility's attempt to address customer satisfaction (water and wastewater).~~ This shall be derived from an evaluation of three separate components of water and wastewater utility operations: quality of utility's product (water and wastewater); operational conditions of utility's plant and facilities; and the utility's attempt to address customer satisfaction (water and wastewater). In making this determination, the Commission shall consider: ~~Sanitary surveys, outstanding citations, violations and consent orders on file with the Department of Environmental Protection (DEP) and county health departments or lack thereof over the preceding 3-year period shall also be considered. DEP and county health department officials' testimony concerning quality of service as well as the testimony of utility's customers shall be considered.~~

(a) The most recent chemical analyses for each water system as described in Rule 25-30.440(3), F.A.C.;

(b) Any Department of Environmental Protection (DEP) and county health department citations, violations and provisions of consent orders that relate to quality of service;

(c) Any DEP and county health department officials' testimony concerning quality of service;

(d) Any testimony, complaints and comments of the utility's customers and others with knowledge of the utility's quality of service; and

(e) Any utility testimony and responses to the information provided in paragraphs (1)(a) – (d) above.

(2) In order to ensure safe, efficient, and sufficient service to utility customers, the Commission shall consider whether the infrastructure and operational conditions of the plant and facilities are in compliance with Rule 25-30.225, F.A.C. In making this determination, the Commission shall consider:

(a) Any testimony of DEP and county health department officials;

(b) Inspections, including sanitary surveys for water systems and compliance evaluation inspections for wastewater systems; citations, violations and consent orders issued to the utility;

(c) Any testimony, complaints and comments of the utility's customers and others with knowledge of the infrastructure and operational conditions of the utility's plant and facilities; and

(d) Any utility testimony and responses to the information provided in paragraphs (2)(a) – (c) above.

(3)(2) Working capital for Class A utilities shall be calculated using the balance sheet approach. Working capital for Class B and C utilities shall be calculated using the formula method (one-eighth of operation and maintenance expenses).

(4)(3) Used and useful debit deferred taxes shall be offset against used and useful credit deferred taxes in the capital structure. Any resulting net debit deferred taxes shall be included as a separate line item in the rate base calculation. Any resulting net credit deferred taxes shall be included in the capital structure calculation. No other deferred debits shall be considered in rate base when the formula method of working capital is used.

(5)(4) The averaging method used by the Commission to calculate rate base and cost of capital shall be a 13-month average for Class A utilities and the simple beginning and end-of-year average for Class B and C utilities.

(6)(5) Non-used and useful adjustments shall be applied to the applicable depreciation expense. Property tax expense on non-used and useful plant shall not be allowed.

(7)(6) Charitable contributions shall not be recovered through rates.

(8)(7) Income tax expense shall not be allowed for subchapter S corporations, partnerships or sole proprietorships.

(9)(8) Non-recurring expenses shall be amortized over a 5-year period unless a shorter or longer period of time can be justified.

(10)(9) The amortization period for forced abandonment or the prudent retirement, in accordance with the National Association of Regulatory Utility Commissioners Uniform System of Accounts, of plant assets prior to the end of their depreciable life shall be calculated by taking the ratio of the net loss (original cost less accumulated depreciation and contributions-in-aid-of-construction (CIAC) plus accumulated amortization of CIAC plus any costs incurred to remove the asset less any salvage value) to the sum of the annual depreciation expense, net of amortization of CIAC, plus an amount equal to the rate of return that would have been allowed on the net invested plant that would have been included in rate

base before the abandonment or retirement. This formula shall be used unless the specific circumstances surrounding the abandonment or retirement demonstrate a more appropriate amortization period.

~~(11)(10)~~ A utility is required to have the right of access and continued use of ~~own~~ the land upon which the utility treatment facilities are located, ~~or possess the right to the continued use of the land, such as a 99-year lease.~~ Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. ~~The Commission may consider a written easement or other cost effective alternative.~~

~~(12)(11)~~ In establishing an authorized rate of return on common equity, a utility, in lieu of presenting evidence, may use the current leverage formula adopted by Commission order. The equity return established shall be based on the equity leverage order in effect at the time the Commission decides the case.

~~(13)(12)~~ Nonutility investment should be removed directly from equity when reconciling the capital structure to rate base unless the utility can show, through competent evidence, that to do otherwise would result in a more equitable determination of the cost of capital for regulatory purposes.

~~(14)(13)~~ Interest expense to be included in the calculation of income tax expense shall be the amount derived by multiplying the amount of the debt components of the reconciled capital structure times the average weighted cost of the respective debt components. Interest expense shall include an amount for the parent debt adjustment in those cases covered by Rule 25-14.004, F.A.C. Interest shall also be imputed on deferred investment tax credits in those cases covered by 26 CFR Part 1, s. 1.46-6(b)(2)(i), (3) and (4)(ii) issued May 22, 1986 and effective for property constructed or acquired on or after August 15, 1971.

Rulemaking Authority 350.127(2), 367.0812(5), 367.0814, 367.121, 367.1213 FS. Law Implemented 367.081, 367.0812(1), 367.0814, 367.0822, 367.1213, ~~376.1213~~ FS. History—New 11-30-93, Amended 12-14-93, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kathryn G.W. Cowdery  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2018  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 230, November 30, 2017.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE NOS.:	RULE TITLES:
58A-5.0131	Definitions
58A-5.014	Licensing and Change of Ownership
58A-5.0181	Admission Procedures, Appropriateness of Placement and Continued Residency Criteria
58A-5.0182	Resident Care Standards
58A-5.0185	Medication Practices
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.024	Records
58A-5.029	Limited Mental Health
58A-5.030	Extended Congregate Care Services
58A-5.031	Limited Nursing Services

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement changes to the assisted living facility regulatory statutes enacted during the 2015 legislative session, Chapter 2015-126, Laws of Florida, and to address the safety and quality of services and care provided to residents within assisted living facilities while being mindful of unnecessary increases in regulation given the many variations in services provided, the number of residents or size of the facility, and the makeup of resident populations in the facilities.

SUMMARY: The proposed rules make changes regarding rule definitions; licensing; admission procedures, appropriateness of placement and continued residency criteria; resident care standards; medication practices; staffing standards; staff training requirements and competency test; record-keeping requirements; limited mental health license requirements; extended congregate care services requirements; limited nursing services requirements; and revision of rules to implement legislative changes.

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

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

A statement of estimated regulatory costs has been prepared for rules 58A-5.0185 and 58A-5.019, F.A.C. and is available from the person listed below. Following is a summary of the SERC: Dr. George MacDonald, Ph.D., and Reginald Lee, M.A., Ph.D. candidate, of the Center for Research, Evaluation, Assessment, and Measurement at the University of South Florida analyzed the proposed rules and the SERC is based on their report. For proposed rule 58A-5.0185, F.A.C., there are no additional costs

as facilities are already required to comply with the provisions of s. 429.256(3), F.S. For proposed rule 58A-5.019, F.A.C., there are no additional costs as assisted living facilities are already required to provide sufficient staff to serve and care for persons in their facility. As such, it is not anticipated that the proposed rule will directly or indirectly have an adverse impact or increase regulatory costs.

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 SERC has been prepared by the Agency for rules 58A-5.0185 and 58A-5.019, F.A.C.

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

RULEMAKING AUTHORITY: 429.07, 429.17, 429.178, 429.24, 429.255, 429.256, 429.27, 429.275, 429.31, 429.41, 429.42, 429.44, 429.52, 429.54, and 429.929 FS.

LAW IMPLEMENTED: Part I, Assisted Living Facilities, Chapter 429, FS; 429.905 FS; Chapter 2015-126, Laws of Florida.

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

DATE AND TIME: March 26, 2018, 10:00 a.m.-12:00 p.m.

PLACE: Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399. Interested parties that would like to participate in the hearing by phone can do so by using a call-in number and passcode: Call-in number: 1(888)670-3525, Participant Passcode: 607 758 3264#

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Djanet Cannady, Department of Elder Affairs, (850)414-2114, cannadyd@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanne Curtin, Deputy General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2096, Email address: alfrulecomment@elderaffairs.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-5.0131 Definitions.

In addition to the terms defined in Section 429.02, F.S., the following definitions are applicable in this rule chapter:

(1) No change.

(2) “Agency Central Office” means the Agency for Health Care Administration Assisted Living Unit (ALU), located at 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308-5403. The ALU telephone number and website address ~~are~~ are (850)412-4304, and [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Assisted\\_Living/alf.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Assisted_Living/alf.shtml) and [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/index.shtml#al](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/index.shtml#al).

(3) through (4) No change.

(5) “Anti-Embolism Stockings and Hosiery” means prescribed close-fitting elastic-type coverings for therapeutic treatment of the legs. They may be knee high or thigh high length and have transparent, open-toe, or similar foot design.

~~(6)~~(5) “Assistance with Activities of Daily Living” means individual assistance with the following:

(a) No change.

(b) Bathing – Assembling towels, soaps, ~~or~~ and other necessary supplies; helping the resident in and out of the bathtub or shower; turning the water on and off; adjusting water temperatures; washing and drying portions of the body that are difficult for the resident to reach; or being available while the resident is bathing.

(c) Dressing – Helping ~~the~~ residents ~~to~~ choose, ~~and to~~ put on, and remove clothing.

(d) Eating – Helping residents with or by cutting food, pouring beverages, ~~or~~ and feeding residents who are unable to feed themselves.

(e) Grooming – Helping ~~the~~ residents with shaving, ~~with~~ oral care, ~~with~~ care of the hair, ~~or~~ and ~~with~~ nail care.

(f) Toileting – Assisting the resident to the bathroom, helping the resident to undress, positioning the resident on the commode, and helping the resident with related personal hygiene; including assistance with changing an adult brief ~~and~~ assistance with ~~toileting includes assistance with~~ the routine emptying of a catheter or ostomy bag.

~~(7)~~(6) “Assistance With Transfer” means providing verbal and physical cuing or physical assistance or both while the resident moves between bed and a standing position or between bed and chair or wheelchair. The term does not include total physical assistance with transfer provided by staff to residents.

(7) through (8) renumbered (8) through (9) No change.

~~(10)~~(9) “Case Manager” means an individual employed by or under contract with any agency or organization, public; or private, who has the responsibility for assessing resident needs; planning services for the resident; coordinating and assisting residents ~~with~~ to gaining access to needed medical, mental

health, social, housing, educational or other services; monitoring service delivery; and evaluating the effects of service delivery.

~~(11)(10)~~ “Certified Nursing Assistant (CNA)” means an individual a person certified under Chapter 464, Part II, F.S.

~~(12)~~ “Day Care Participant” means an individual who receives services at a facility for less than 24 hours per day.

~~(13)(11)~~ “Deficiency” means an instance of non-compliance with the requirements of part II of chapter 408, F.S., part I of chapter 429, F.S., Chapters 408, Part II, 429, Part I, F.S., and Rule Chapter 59A-35, F.A.C., and this rule chapter.

~~(14)(12)~~ “Direct Care Staff” means Staff in Regular Contact or Staff in Direct Contact with residents who that provide personal or nursing services to residents, including administrators and managers providing such services.

~~(15)(13)~~ through ~~(16)(14)~~ No change.

~~(17)(15)~~ “Food Service” means the storage, preparation, service serving, and cleaning up of food intended for consumption in a facility either by facility staff or through a formal agreement that meals will be regularly catered by a third party.

~~(18)~~ “Glucose Meter” or “glucometer” means a medical device that determines the approximate concentration of glucose in the blood.

~~(19)(16)~~ No change.

~~(20)(17)~~ “Licensed Dietitian or Nutritionist” means a dietitian or nutritionist licensed under in accordance with Section Chapter 468.509, Part X, F.S.

~~(21)~~ “Local fire safety authority” means the authority having jurisdiction as defined in Rule Chapter 69A-40, F.A.C.

~~(22)(18)~~ No change.

~~(23)(19)~~ “Manager” means an individual who is authorized to perform the same functions as a facility of the administrator, and is responsible for the operation and maintenance of an assisted living facility while under the supervision of the administrator of that facility. For the purpose of this definition, A a manager does not include staff authorized to perform limited administrative functions during an administrator’s temporary absence.

~~(20)~~ through ~~(23)~~ renumbered ~~(24)~~ through ~~(28)~~ No change.

~~(28)(24)~~ “Nursing Assessment” means a written review of information collected from observation ~~of~~ and interaction with a resident, including the resident’s record, and any other relevant sources of information; the analysis of the information; and recommendations for modification of the resident’s care, if warranted. The assessment must contain the signature and credential initials of the person who conducted the assessment.

~~(29)(25)~~ “Nursing Progress Notes” or “Progress Report”

means a written record of nursing services, other than medication administration or the taking of vital signs, provided to each resident who receives such services ~~pursuant to~~ in a facility with a limited nursing or extended congregate care license. The progress notes must be completed by the nurse who delivered the service; ~~and~~ must describe the date, type, scope, amount, duration, and outcome of services that are rendered; must describe the general status of the resident’s health; must describe any deviations in the residents health; must describe any contact with the resident’s physician; and must contain the signature and credential initials of the person rendering the service.

~~(30)(26)~~ No change.

~~(31)(27)~~ “Owner” means a the person, partnership, association, limited liability company, or corporation, that which owns or leases the facility that ,and is licensed by the agency. The term does not include a person, partnership, association, limited liability company, or corporation that contracts only to manage or operate the facility.

~~(32)(28)~~ No change.

~~(33)~~ “Pill organizer” means a container that is designed to hold solid doses of medication and is divided according to day or time increments.

~~(34)(29)~~ No change.

~~(30)~~ “Renovation” means additions, repairs, restorations, or other improvements to the physical plant of the facility within a 5 year period that costs in excess of 50 percent of the value of the building as reported on the tax rolls, excluding land, before the renovation.

~~(35)(31)~~ No change.

~~(36)(32)~~ “Significant Change” means either a sudden or major shift in the behavior or mood of a resident that is inconsistent with the resident’s diagnosis, or a deterioration in the resident’s health status such as unplanned weight change, stroke, heart condition, enrollment in hospice, or stage 2, 3 or 4 pressure sore. Ordinary day-to-day fluctuations in a resident’s functioning and behavior, a short-term illnesses such as a colds, or the gradual deterioration in the resident’s ability to carry out the activities of daily living that accompanies the aging process are not considered significant changes.

~~(37)(33)~~ “Staff” means any individual employed by a facility; ~~or~~ contracting with a facility to provide direct or indirect services to residents; ~~or~~ employed by a employees of firms under contract with a to the facility to provide direct or indirect services to residents when present in the facility. The term includes volunteers performing any service that counts toward meeting any staffing requirement of this rule chapter.

~~(38)(34)~~ No change.

~~(39)(35)~~ “Third Party” means any individual or business entity providing services to residents in a facility that who is not

staff of the facility.

~~(40)(36)~~ “Universal Precautions” are a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens when providing first aid or health care. ~~Under Universal precautions require that the;~~ blood and certain body fluids of all residents ~~be are~~ considered potentially infectious for HIV, HBV, and other bloodborne pathogens.

~~(41)(37)~~ “Unscheduled Service Need” means a need for a personal service, nursing service, or mental health intervention that ~~generally~~ cannot be predicted in advance ~~of the need for service,~~ and that must be met promptly ~~to ensure within a time frame that provides reasonable assurance~~ that the health, safety, and welfare of residents is preserved.

Rulemaking Authority 429.23, 429.41, 429.929 FS. Law Implemented 429.07, 429.075, 429.11, 429.14, 429.19, 429.41, 429.47, 429.52, 429.905 FS. History—New 9-30-92, Formerly 10A-5.0131, Amended 10-30-95, 6-2-96, 4-20-98, 10-17-99, 1-9-02, 7-30-06, 4-15-10, 4-17-14,\_\_\_\_\_.

58A-5.014 Licensing and Change of Ownership.

(1) LICENSE APPLICATION. An applicant for a standard assisted living facility license, ~~or~~ a limited mental health license, an extended congregate care license, or a limited nursing services license; may apply for licensure pursuant to the requirements of Chapters 408, Part II, 429, Part I, F.S., and Rule Chapter 59A-35, F.A.C.

(2) CHANGE OF OWNERSHIP. In addition to the requirements for a change of ownership contained in Chapter 408, Part II, F.S., and Section 429.12, F.S., and Rule Chapter 59A-35, F.A.C., the following provisions relating to resident funds apply pursuant to Section 429.27, F.S.:

- (a) No change.
- (b) The transferor must provide to each resident a statement detailing the amount and type of funds held by the facility and credited to the resident ~~for whom funds are held by the facility.~~
- (c) No change.
- (3) through (4) No change.

Rulemaking Authority 429.17, 429.27, 429.41 FS. Law Implemented 429.04, 429.07, 429.075, 429.11, 429.12, 429.17, 429.27, 429.41 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.14, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.014, Amended 10-30-95, 4-20-98, 10-17-99, 7-30-06, 4-17-14,\_\_\_\_\_.

58A-5.0181 Admission Procedures, Appropriateness of Placement and Continued Residency Criteria.

- (1) ADMISSION CRITERIA.
  - (a) An individual must meet the following minimum criteria in order to be admitted to a facility holding a standard, limited nursing services, or limited mental health license:
    - 1. No change.

- 2. Be free from signs and symptoms of any communicable disease that is likely to be transmitted to other residents or staff;~~;~~ ~~however,~~ An individual who has human immunodeficiency virus (HIV) infection may be admitted to a facility, provided that the individual would otherwise be eligible for admission according to this rule.

- 3. through 4. No change.
- 5. Be capable of taking medication, by either self-administration, assistance with self-administration, or ~~by~~ administration of medication.

- a. If the resident needs assistance with self-administration of medication, the facility must inform the resident of the professional qualifications of facility staff who will be providing this assistance. If unlicensed staff will be providing assistance with self-administration of medication, the facility must obtain written informed consent from the resident or the resident’s surrogate, guardian, or attorney-in-fact.

- b. The facility may accept a resident who requires the administration of medication; if the facility employs ~~has~~ a nurse who will ~~to~~ provide this service; or the resident, or the resident’s legal representative, designee, surrogate, guardian, or attorney-in-fact, contracts with a ~~licensed~~ third party licensed to provide this service to the resident.

- 6. through 9. No change.
- 10. Not have any stage 3 or 4 pressure sores. A resident requiring care of a stage 2 pressure sore may be admitted provided that:

- a. ~~The~~ ~~Such~~ resident either:
  - (I) Resides in a standard or limited nursing services licensed facility and contracts directly with a licensed home health agency or a nurse to provide care;~~;~~ or
  - (II) Resides in a limited nursing services licensed facility and care is provided by the facility ~~services are provided~~ pursuant to a plan of care issued by a health care provider; ~~or the resident contracts directly with a licensed home health agency or a nurse to provide care;~~

- b. The condition is documented in the resident’s record and admission and discharge logs; and
- c. No change.

- 11. Residents admitted to standard, limited nursing services, or limited mental health licensed facilities may ~~Not~~ require any of the following nursing services:

- a. Artificial airway management of any kind, except that of continuous positive airway pressure may be provided through the use of a CPAP or bipap machine ~~Oral, nasopharyngeal, or tracheotomy suctioning;~~
- b. through c. No change.
- d. Management of post-surgical drainage tubes and wound vacuum devices; ~~Intermittent positive pressure breathing therapy; or~~

e. The administration of blood products in the facility; or  
~~f.e.~~ Treatment of surgical incisions or wounds, unless the surgical incision or wound and the underlying condition that caused it, have ~~has~~ been stabilized and a plan of care has been developed. The plan of care must be maintained in the resident's record.

12. In addition to the nursing services listed above, residents admitted to facilities holding only standard and/or limited mental health licenses may not require any of the following nursing services:

a. Hemodialysis and peritoneal dialysis performed in the facility;

b. Intravenous therapy performed in the facility.

12. through 13. Renumbered 13. through 14. No change.

1544. Be appropriate for admission to the facility as ~~Have been determined by the facility administrator to be appropriate for admission to the facility.~~ The administrator must base the determination decision on:

a. An assessment of the strengths, needs, and preferences of the individual; ~~and~~

b. The medical examination report required by Section 429.26, F.S., and subsection (2) of this rule, if available;

~~c.b.~~ No change.

~~d.e.~~ The ability of the facility to meet the uniform fire safety standards for assisted living facilities established in Section 429.41, F.S. and Rule Chapter 69A-40, F.A.C.

(b) A resident who otherwise meets the admission criteria for residency in a standard licensed facility, but who requires assistance with the administration and regulation of portable oxygen ~~or~~; assistance with routine colostomy care of stoma site flange placement, or assistance and monitoring of the application of anti-embolism stockings or hosiery as prescribed by a health care provider in accordance with manufacturer's guidelines; may be admitted to a facility with a standard license as long as the following conditions are met:

1. ~~The facility has must have~~ a nurse on staff or under contract to provide the assistance or to provide training to the resident on how to perform these functions themselves.

~~(c)2.~~ Nursing staff may not provide training to unlicensed persons, as defined in Section 429.256(1)(b), F.S., to perform skilled nursing services, and may not delegate the nursing services described in this section to certified nursing assistants or unlicensed persons, as defined in Section 429.256(1)(b), F.S. ~~Certified nursing assistants may not be delegated the nursing services described in this section, but may apply anti-embolism stockings or hosiery under the supervision of a nurse in accordance with paragraph 64B9-15.002(1)(e), F.A.C.~~ This provision does not restrict a resident or a resident's representative from contracting with a licensed third party to provide the assistance if the facility is agreeable to such an arrangement and the resident otherwise meets the criteria for

admission and continued residency in a facility with a standard license.

~~(d)(e)~~ An individual enrolled in and receiving hospice services may be admitted to an assisted living facility as long as the individual otherwise meets resident admission criteria.

~~(e)(d)~~ No change.

(2) HEALTH ASSESSMENT. As part of the admission criteria, an individual must undergo a face-to-face medical examination completed by a health care provider as specified in either paragraph (a) or (b) of this subsection.

(a) A medical examination completed within 60 calendar days before ~~to~~ the individual's admission to a facility pursuant to Section 429.26(4), F.S. The examination must address the following:

1. through 8. No change

(b) A medical examination completed after the resident's admission to the facility within 30 calendar days of the admission date. The examination must be recorded on AHCA Form 1823, Resident Health Assessment for Assisted Living Facilities, ~~March 2017, October 2010. The form which is hereby incorporated by reference; and available online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-09170>~~ AHCA Form 1823 may be obtained ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04006>.~~ Faxed or electronic copies of the completed form are acceptable. The form must be completed as instructed.

1. Items on the form that ~~may~~ have been omitted by the health care provider during the examination ~~do not necessarily require an additional face-to-face examination for completion.~~ ~~The facility may be obtained by the facility omitted information~~ either orally or in writing from the health care provider.

2. through 3. No change.

(c) through (e) No change.

(f) Any orders issued by the health care provider conducting the medical examination for medications, nursing, therapeutic diets, or other services to be provided or supervised by the facility ~~issued by the health care provider conducting the medical examination~~ may be attached to the health assessment. A health care provider may attach a DH Form 1896, Florida Do Not Resuscitate Order Form, for residents who do not wish cardiopulmonary resuscitation to be administered in the case of cardiac or respiratory arrest.

(g) A resident placed in a facility on a temporary emergency basis by the Department of Children and Families pursuant to Section 415.105 or 415.1051, F.S., is exempt from the examination requirements of this subsection for up to 30 days. However, a resident accepted for temporary emergency placement must be entered on the facility's admission and discharge log and counted in the facility census; A facility may not exceed its licensed capacity in order to accept such a resident. A medical examination must be conducted on any



temporary emergency placement resident accepted for regular admission.

(3) ADMISSION PACKAGE.

(a) The facility must make available to potential residents a written statement(s) that includes the following information listed below. Providing a ~~A~~ copy of the facility resident contract or facility brochure containing all the required information ~~must~~ meets this requirement.

1. through 11. No change.

12. If the facility is licensed to provide extended congregate care, ~~The facility's residency criteria for residents receiving extended congregate care services, If the facility also has an extended congregate care license; and The facility must also provide~~ a description of the additional personal, supportive, and nursing services provided by the facility ~~including;~~ additional costs; and any limitations, ~~if any,~~ on where extended congregate care residents may ~~must~~ reside based on the policies and procedures described in Rule 58A-5.030, F.A.C.;

13. through 14. No change.

(b) Before or at the time of admission, the resident, or the resident's responsible party, guardian, or attorney-in-fact, if applicable, must be provided with the following:

1. through 4. No change.

(c) No change.

(4) CONTINUED RESIDENCY. Except as follows in paragraphs (a) through ~~(c)~~~~(e)~~ of this subsection, criteria for continued residency in any licensed facility must be the same as the criteria for admission. As part of the continued residency criteria, a resident must have a face-to-face medical examination by a health care provider at least every 3 years after the initial assessment, or after a significant change, whichever comes first. A significant change is defined in Rule 58A-5.0131, F.A.C. The results of the examination must be recorded on AHCA Form 1823, which is incorporated by reference in paragraph (2)(b) of this rule ~~and. The form~~ must be completed in accordance with that paragraph. Exceptions to the requirement to meet the criteria for continued residency are:

(a) The resident may be bedridden for no more than ~~up to~~ 7 consecutive days.

(b) No change.

(c) A terminally ill resident who no longer meets the criteria for continued residency may continue to reside in the facility if the following conditions are met:

1. The resident qualifies for, is admitted to, and consents to receive the services from ~~of~~ a licensed hospice that coordinates and ensures the provision of any additional care and services that the resident may need; ~~be needed;~~

2. Both the resident, or the resident's legal representative if applicable, and the facility agree to continued ~~Continued~~ residency; ~~is agreeable to the resident and the facility;~~

3. A licensed hospice, in consultation with the facility, develops and implements a ~~An~~ interdisciplinary care plan that, ~~which~~ specifies the services being provided by hospice and those being provided by the facility; ~~is developed and implemented by a licensed hospice in consultation with the facility;~~ and,

4. No change.

(d) The facility administrator is responsible for monitoring the continued appropriateness of placement of a resident in the facility at all times.

(e) A hospice resident that meets the qualifications of continued residency pursuant to this subsection may only receive services from the assisted living facility's staff which are within the scope of the facility's license.

(f) through (g) No change.

(5) No change.

Rulemaking Authority 429.07, 429.41 FS. Law Implemented 429.07, 429.26, 429.28, 429.41 FS. History—New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06, 10-9-06, 4-15-10, 10-14-10, 4-17-14, \_\_\_\_\_.

58A-5.0182 Resident Care Standards.

An assisted living facility must provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) SUPERVISION. Facilities must offer personal supervision as appropriate for each resident, including the following:

(a) through (c) No change.

(d) Contacting the resident's health care provider and other appropriate party such as the resident's family, guardian, health care surrogate, or case manager if the resident exhibits a significant change;

~~(e)~~ Contacting the resident's family, guardian, health care surrogate, or case manager if the resident is discharged or moves out.

~~(f)~~~~(e)~~ Maintaining a written record, updated as needed, of any significant changes, any illnesses that resulted in medical attention, changes in the method of medication administration, or other changes that resulted in the provision of additional services.

(2) SOCIAL AND LEISURE ACTIVITIES. Residents shall be encouraged to participate in social, recreational, educational and other activities within the facility and the community.

(a) No change.

(b) The facility must consult with the residents in selecting, planning, and scheduling activities. The facility must demonstrate residents' participation through one or more of the following methods: resident meetings, committees, a resident council, a monitored suggestion box, group discussions,

questionnaires, or any other form of communication appropriate to the size of the facility.

(c) through (d) No change.

(3) through (5) No change.

(6) RESIDENT RIGHTS AND FACILITY PROCEDURES.

(a) No change.

(b) In accordance with Section 429.28, F.S., the facility must have a written grievance procedure for receiving and responding to resident complaints; and a written procedure for residents to allow residents to recommend changes to facility policies and procedures. The facility must be able to demonstrate that such procedure is implemented upon receipt of a complaint.

(c) The telephone number for lodging complaints against a facility or facility staff must be posted in full view in a common area accessible to all residents. The telephone numbers are: the Long-Term Care Ombudsman Program, 1(888) 831-0404; Disability Rights Florida, 1(800) 342-0823; the Agency Consumer Hotline 1(888) 419-3456, and the statewide toll-free telephone number of the Florida Abuse Hotline, 1(800) 96-ABUSE or 1(800) 962-2873. The telephone numbers must be posted in close proximity to a telephone accessible by residents and the text must be a minimum of 14-point font.

(d) The facility must have a written statement of its house rules and procedures that must be included in the admission package provided pursuant to Rule 58A-5.0181, F.A.C. The rules and procedures must at a minimum address the facility's policies regarding:

1. No change.
2. Alcohol and tobacco use;
3. through 8. No change.

(e) Residents may not be required to perform any work in the facility without compensation. Residents may be required to clean their own sleeping areas or apartments if unless the facility rules or the facility contract includes such a requirement that residents be responsible for cleaning their own sleeping areas or apartments. If a resident is employed by the facility, the resident must be compensated in compliance with state and federal wage laws.

(f) The facility must provide residents with convenient access to a telephone to facilitate the resident's right to unrestricted and private communication, pursuant to Section 429.28(1)(d), F.S. The facility must allow not prohibit unidentified telephone calls to residents. For facilities with a licensed capacity of 17 or more residents in which residents do not have private telephones, there must be, at a minimum, a readily accessible telephone on each floor of each building where residents reside.

(g) In addition to the requirements of Section 429.41(1)(k), F.S., the use of physical restraints by a facility on a resident

must be reviewed by the resident's physician annually. Any device, including half-bed rails, which the resident chooses to use and can remove or avoid without assistance, is not considered a physical restraint.

(7) THIRD PARTY SERVICES.

(a) through (b) No change.

(c) If residents accept ~~the~~ assistance from the facility in arranging and coordinating ~~to arrange and coordinate~~ third party services, the facility's assistance does not represent a guarantee that third party services will be received. If the facility's efforts to make arrangements for third party services are unsuccessful or declined by residents, the facility must include ~~this~~ documentation in the residents' record explaining why its efforts were unsuccessful. This documentation will serve to demonstrate its compliance with this subsection.

(8) ELOPEMENT STANDARDS.

(a) Residents Assessed at Risk for Elopement. All residents assessed at risk for elopement or with any history of elopement must be identified so staff can be alerted to their needs for support and supervision. All residents must be assessed for risk of elopement by a health care provider or a mental health care provider within 30 calendar days of being admitted to a facility. If the resident has had a health assessment performed prior to admission pursuant to Rule 58A-5.0181(2)(a), F.A.C., this requirement is satisfied. A resident placed in a facility on a temporary emergency basis by the Department of Children and Families pursuant to Section 415.105 or 415.1051, F.S., is exempt from this requirement for up to 30 days.

1. As part of its resident elopement response policies and procedures, the facility must make, at a minimum, a daily effort to determine that at risk residents have identification on their persons that includes their name and the facility's name, address, and telephone number. Staff trained pursuant to Rule 58A-5.0191(10)(a) or (c), F.A.C., must be generally aware of the location of all residents assessed at high risk for elopement at all times. Staff attention must be directed towards residents assessed at high risk for elopement, with special attention given to those with Alzheimer's disease or related disorders assessed at high risk.

2. ~~At a minimum, T~~he facility must have a photo identification of at risk residents on file that is accessible to all facility staff and law enforcement as necessary. The facility's file must contain the resident's photo identification upon within 10 days of admission or upon within 10 days of being assessed at risk for elopement subsequent to admission. The photo identification may be provided by the facility, the resident, or the resident's representative.

(b) through (c) No change.

(9) No change.

Rulemaking Authority 429.41 FS. Law Implemented 429.255, 429.26, 429.28, 429.41 FS. History—New 9-17-84, Formerly 10A-5.182,

Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 10-9-06, 4-15-10, 4-17-14, \_\_\_\_\_.

#### 58A-5.0185 Medication Practices.

Pursuant to Sections 429.255 and 429.256, F.S., and this rule, licensed facilities may assist with the self-administration or administration of medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) No change.

(2) PILL ORGANIZERS.

~~(a) A "pill organizer" means a container that is designed to hold solid doses of medication and is divided according to day and time increments.~~

~~(a)(b) Only a resident who self-administers medications may maintain use a pill organizer.~~

(b) Unlicensed staff may not provide assistance with the contents of pill organizers.

(c) through (d) No change.

(3) ASSISTANCE WITH SELF-ADMINISTRATION.

(a) Any unlicensed person providing assistance with self-administration of medication must be 18 years of age or older, trained to assist with self-administered medication pursuant to the training requirements of Rule 58A-5.0191, F.A.C., and must be available to assist residents with self-administered medications in accordance with procedures described in Section 429.256, F.S. and this rule.

(b) In addition to the specifications of Section 429.256(3), F.S., assistance with self-administration of medication includes, in the presence of the resident, reading the medication label aloud and verbally prompting a resident to take medications as prescribed.

(c) through (e) No change.

(f) Assistance with self-administration of medication does not include the activities detailed in Section 429.256(4), F.S.

1. As used in Section 429.256(4)(g)(h), F.S., the term "competent resident" means that the resident is cognizant of when a medication is required and understands the purpose for taking the medication.

2. As used in Section 429.256(4)(h)(i), F.S., the terms "judgment" and "discretion" mean interpreting vital signs and evaluating or assessing a resident's condition.

(g) All trained staff must adhere to the facility's infection control policy and procedures when assisting with the self-administration of medication.

(4) MEDICATION ADMINISTRATION.

(a) No change.

(b) Unusual reactions to the medication or a significant change in the resident's health or behavior that may be caused by the medication must be documented in the resident's record

and reported immediately to the resident's health care provider. The contact with the health care provider must also be documented in the resident's record.

(c) Medication administration includes conducting any examination ~~or testing, such as blood glucose testing,~~ or other procedure necessary for the proper administration of medication that the resident cannot conduct personally and that can be performed by licensed staff.

(d) No change.

(5) MEDICATION RECORDS.

(a) No change.

(b) The facility must maintain a daily medication observation record ~~(MOR)~~ for each resident who receives assistance with self-administration of medications or medication administration. A medication observation record must be immediately updated each time the medication is offered or administered and include:

1. The name of the resident and any known allergies the resident may have;

2. The name of the resident's health care provider ~~and~~, the health care provider's telephone number;

3. The name, strength, and directions for use of each medication; and

4. A chart for recording each time the medication is taken, any missed dosages, refusals to take medication as prescribed, or medication errors. ~~The medication observation record must be immediately updated each time the medication is offered or administered.~~

(c) No change.

(6) MEDICATION STORAGE AND DISPOSAL.

(a) In order to accommodate the needs and preferences of residents and to encourage residents to remain as independent as possible, residents may keep their medications, both prescription and over-the-counter, in their possession both on or off the facility premises; Residents may also store their medication ~~or~~ in their rooms or apartments if either the room is, ~~which must be~~ kept locked when residents are absent ~~or, unless~~ the medication is stored in a secure place ~~within the rooms or apartments or in some other secure place~~ that is out of sight of other residents.

(b) However, Both prescription and over-the-counter medications for residents must be centrally stored if:

1. through 4. No change.

5. The facility determines that, because of physical arrangements and the conditions or habits of residents, the personal possession of medication by a resident poses a safety hazard to other residents, or

6. No change.

~~(c)(b)~~ Centrally stored medications must be:

1. Kept in a locked cabinet; locked cart; or other locked storage receptacle, room, or area at all times;

2. Located in an area free of dampness and abnormal temperature, except that a medication requiring refrigeration must be kept refrigerated. Refrigerated medications must be secured by being kept in a locked container within the refrigerator, by keeping the refrigerator locked, or by keeping the area in which the refrigerator is located locked;

3. Accessible to staff responsible for filling pill-organizers, assisting with self-administration of medication, or administering medication. Such staff must have ready access to keys or codes to the medication storage areas at all times; and,

4. No change.

~~(d)~~(e) No change.

~~(e)~~(d) When a resident's stay in the facility has ended, the administrator must return all medications to the resident, the resident's family, or the resident's guardian unless otherwise prohibited by law. If, after notification and waiting at least 15 days, the resident's medications are still at the facility, the medications are considered abandoned and may be disposed of in accordance with paragraph ~~(f)~~(e).

~~(f)~~(e) through ~~(g)~~(f) No change.

(7) MEDICATION LABELING AND ORDERS.

(a) The facility may not store prescription drugs for self-administration, assistance with self-administration, or administration unless they are ~~it is~~ properly labeled and dispensed in accordance with Chapters 465 and 499, F.S. and Rule 64B16-28.108, F.A.C. If a customized patient medication package is prepared for a resident, and separated into individual medicinal drug containers, then the following information must be recorded on each individual container:

1. No change.

2. The ~~id~~entification of each medicinal drug in the container.

(b) through (c) No change.

(d) Any change in directions for use of a medication that ~~for which~~ the facility is administering or providing assistance with self-administration or administering medication must be accompanied by a written, faxed, or electronic copy of a medication order issued and signed by the resident's health care provider, or a faxed or electronic copy of such order. The new directions must promptly be recorded in the resident's medication observation record. The facility may then obtain a revised label from the pharmacist or place an "alert" label on the medication container that directs staff to examine the revised directions for use in the medication observation record, or obtain a revised label from the pharmacist.

(e) through (h) No change.

(8) OVER THE COUNTER (OTC) PRODUCTS. For purposes of this subsection, the term over the counter includes, but is not limited to, over the counter medications, vitamins, nutritional supplements and nutraceuticals, hereafter referred to as OTC products, that can be sold without a prescription.

(a) A facility may keep a stock supply of OTC products for multiple resident use. When providing any OTC product that is kept by the facility as a stock supply to a resident, the staff member providing the medication must record the name and amount of the OTC product provided in the resident's medication observation record is not permitted in any facility. All OTC products kept as a stock supply must be stored in a locked container or secure room in a central location within the facility and must be labeled with the medication's name, the date of purchase, and with a notice that the medication is part of the facility's stock supply.

(b) OTC products, including those prescribed by a health care provider but excluding those kept as a stock supply by the facility, must be labeled with the resident's name and the manufacturer's label with directions for use, or the health care provider's directions for use. No other labeling requirements are required.

(c) through (d) No change.

Rulemaking Authority 429.256, 429.41 FS. Law Implemented 429.255, 429.256, 429.41 FS. History—New 10-17-99, Amended 7-30-06, 4-15-10, 10-14-10, 3-13-14, \_\_\_\_\_.

58A-5.019 Staffing Standards.

(1) ADMINISTRATORS. Every facility must be under the supervision of an administrator who is responsible for the operation and maintenance of the facility including the management of all staff and the provision of appropriate care to all residents as required by Chapters 408, Part II, 429, Part I, F.S. and Rule Chapter 59A-35, F.A.C., and this rule chapter.

(a) An administrator must:

1. through 2. No change.

3. Be in compliance with Level 2 background screening requirements pursuant to Sections 408.809 and 429.174, F.S.; ~~and,~~

4. Complete the core training and core competency test requirements pursuant to Rule 58A-5.0191, F.A.C., no later than 90 days after becoming employed as a facility administrator. ~~Individuals who have successfully completed these requirements before December 1, 2014, are not required to take either the 40 hour core training or test unless specified elsewhere in this rule.~~ Administrators who attended core training prior to July 1, 1997, are not required to take the competency test unless specified elsewhere in this rule; ~~and,~~

5. No change.

(b) through (c) No change.

(d) An individual serving as a manager must satisfy the same qualifications, background screening, core training and competency test requirements, and continuing education requirements as of an administrator pursuant to paragraph (1)(a) of this rule. Managers who attended the core training program prior to April 20, 1998, July 1, 1997, are not required to take

the competency test unless specified elsewhere in this rule. In addition, a manager may not serve as a manager of more than a single facility, except as provided in paragraph (1)(c) of this rule, and may not simultaneously serve as an administrator of any other facility.

(e) Pursuant to Section 429.176, F.S., facility owners must notify the Agency Central Office within 10 days of a change in facility administrator on the Notification of Change of Administrator form, AHCA Form 3180-1006, ~~June 2016~~ May 2013, which is incorporated by reference and available online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-09171> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04002>~~.

(2) STAFF.

(a) Within 30 days after beginning employment, newly hired staff must submit a written statement from a health care provider documenting that the individual does not have any signs or symptoms of communicable disease. The examination performed by the health care provider must have been conducted no earlier than 6 months before submission of the statement. Newly hired staff does not include an employee transferring without a break in service from one facility to another when the facility is under the same management or ownership.

1. Evidence of a negative tuberculosis examination must be documented on an annual basis. Documentation provided by the Florida Department of Health or a licensed health care provider certifying that there is a shortage of tuberculosis testing materials ~~satisfies, shall satisfy~~ the annual tuberculosis examination requirement. An individual with a positive tuberculosis test must submit a health care provider's statement that the individual does not constitute a risk of communicating tuberculosis.

2. No change.

(b) through (f) No change.

(3) STAFFING STANDARDS.

(a) Minimum staffing:

1. Facilities must maintain the following minimum staff hours per week:

Number of Residents, <u>Day</u> <u>Care Participants, and</u> <u>Respite Care Residents</u>	Staff Hours/Week
0-5	168
6-15	212
16- 25	253
26-35	294
36-45	335
46-55	375
56- 65	416
66-75	457

76-85	498
86-95	539

For every 20 total combined residents, day care participants, and respite care residents over 95 add 42 staff hours per week.

2. Independent living residents, as referenced in subsection 58A-5.024(3), F.A.C., who occupy beds included within the licensed capacity of an assisted living facility but do not receive ~~and who receive no~~ personal, limited nursing, or extended congregate care services, are not counted as ~~a~~ residents for purposes of computing minimum staff hours.

3. through 4. No change.

5. A staff member who has completed courses in First Aid and Cardiopulmonary Resuscitation (CPR) and holds a currently valid card documenting completion of such courses must be in the facility at all times.

a. Documentation of attendance at First Aid or CPR courses pursuant to Rule 58A-5.0191(5), F.A.C., offered by an accredited college, university or vocational school; a licensed hospital; the American Red Cross, American Heart Association, or National Safety Council; or a provider approved by the Department of Health, satisfies this requirement.

b. A nurse is considered as having met the course requirements for ~~both~~ First Aid ~~and~~ CPR. An ~~In~~ addition, an emergency medical technician or paramedic currently certified under Chapter 401, Part III, F.S., is considered as having met the course requirements for both First Aid and CPR.

6. through 9. No change.

(b) No change.

(c) The facility must maintain a written work schedule that reflects its 24-hour staffing pattern for a given time period. Upon request, the facility must make the daily work schedules of direct care staff available to residents or their representatives, ~~for that resident's care.~~

(d) The facility must provide staff immediately when the agency determines that the requirements of paragraph (a) are not met. The facility must immediately increase staff above the minimum levels established in paragraph (a) if the agency determines that adequate supervision and care are not being provided to residents, resident care standards described in Rule 58A-5.0182, F.A.C., are not being met, or that the facility is failing to meet the terms of residents' contracts. The agency will consult with the facility administrator and residents regarding any determination that additional staff is required. Based on the recommendations of the local fire safety authority, the agency may require additional staff when the facility fails to meet the fire safety standards described in ~~Section 429.41(1)(a), F.S., and~~ Rule Chapter 69A-40, F.A.C., until such time as the local fire safety authority informs the agency that fire safety requirements are being met.

1. When additional staff is required above the minimum, the agency will require the submission of a corrective action plan within the time specified in the notification indicating how the increased staffing is to be achieved to meet resident service needs. The plan will be reviewed by the agency to determine if it sufficiently the plan increases the staffing levels staff to needed levels to meet resident needs.

2. When the facility can demonstrate to the agency that resident needs are being met, or that resident needs can be met without increased staffing, the agency may modify modifications may be made in staffing requirements for the facility and the facility will no longer be required to maintain a plan with the agency.

(e) through (f) No change.

Rulemaking Authority 429.41, 429.52, 429.929 FS. Law Implemented 429.174, 429.176, 429.41, 429.52, 429.905 FS. History—New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 4-15-10, 4-17-14, \_\_\_\_\_.

58A-5.0191 Staff Training Requirements and Competency Test.

(1) ASSISTED LIVING FACILITY CORE TRAINING REQUIREMENTS AND COMPETENCY TEST.

(a) through (b) No change.

(c) Administrators and managers shall participate in 12 hours of continuing education in topics related to assisted living every 2 years ~~as provided under Section 429.52, F.S.~~

(d) through (e) No change.

(2) STAFF PRESERVICE ORIENTATION.

(a) Facilities must provide a preservice orientation of at least 2 hours to all new assisted living facility employees who have not previously completed core training as detailed in subsection (1).

(b) New staff must complete the preservice orientation prior to interacting with residents.

(c) Once complete, the employee and the facility administrator must sign a statement that the employee completed the preservice orientation which must be kept in the employee's personnel record.

(d) In addition to topics that may be chosen by the facility administrator, the preservice orientation must cover:

1. Resident's rights; and

2. The facility's license type and services offered by the facility.

(3)(2) STAFF IN-SERVICE TRAINING. Facility administrators or managers shall provide or arrange for the following in-service training to facility staff:

(a) Staff who provide direct care to residents, other than nurses, certified nursing assistants, or home health aides trained in accordance with Rule 59A-8.0095, F.A.C., must receive a minimum of 1 hour in-service training in infection control,

including universal precautions, and facility sanitation procedures, before providing personal care to residents. The facility must use its infection control policies and procedures when offering this training. Documentation of compliance with the staff training requirements of 29 CFR 1910.1030, relating to blood borne pathogens, may be used to meet this requirement.

(b) Staff who provide direct care to residents must receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects:

~~1. Reporting major incidents.~~

~~1,2- through 2,3-~~ No change.

(c) Staff who provide direct care to residents, who have not taken the core training program, shall receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects:

1. No change.

2. Recognizing and reporting resident abuse, neglect, and exploitation. The facility must use its abuse prevention policies and procedures when offering this training.

(d) through (f) No change.

~~(4)(3)~~ No change.

~~(5)(4)~~ FIRST AID AND CARDIOPULMONARY RESUSCITATION (CPR). A staff member who has completed courses in First Aid and CPR and holds a currently valid card documenting completion of such courses must be in the facility at all times.

(a) Documentation that the staff member possess current CPR certification that requires the student to demonstrate, in person, that he or she is able to perform CPR and which is issued by an instructor or training provider that is approved to provide CPR training by of attendance at First Aid or CPR course offered by an accredited college, university or vocational school; a licensed hospital; the American Red Cross, the American Heart Association, or the National Safety Council; or an organization whose training is accredited by the Commission on Accreditation for Pre-Hospital Continuing Education a provider approved by the Department of Health satisfies this requirement, shall satisfy this requirement.

(b) No change.

~~(6)(5)~~ ASSISTANCE WITH THE SELF-ADMINISTRATION OF ADMINISTERED MEDICATION AND MEDICATION MANAGEMENT. Unlicensed persons who will be providing assistance with the self-administration of self-administered medications as described in Rule 58A-5.0185, F.A.C., must meet the training requirements pursuant to Section 429.52~~(6)(5)~~, F.S., prior to assuming this responsibility. Courses provided in fulfillment of this requirement must meet the following criteria:

(a) Training must cover state law and rule requirements with respect to the supervision, assistance, administration, and

management of medications in assisted living facilities; procedures and techniques for assisting the resident with self-administration of medication including how to read a prescription label; providing the right medications to the right resident; common medications; the importance of taking medications as prescribed; recognition of side effects and adverse reactions and procedures to follow when residents appear to be experiencing side effects and adverse reactions; documentation and record keeping; and medication storage and disposal. Training shall include demonstrations of proper techniques, including techniques for infection control, and ensure unlicensed staff have adequately demonstrated that they have acquired the skills necessary to provide such assistance ~~provide opportunities for hands on learning through practice exercises.~~

(b) The training must be provided by a registered nurse or licensed pharmacist who shall issue a training certificate to a trainee who demonstrates, in person and both physically and verbally, the ability to:

1. No change.

2. Provide assistance with self-administration in accordance with Section 429.256, F.S. and Rule 58A-5.0185, F.A.C., including:

a. through e. No change.

f. Retrieve and store medication; ~~and~~

g. Recognize the general signs of adverse reactions to medications and report such reactions;-

h. Assist residents with insulin syringes that are prefilled with the proper dosage by a pharmacist and insulin pens that are prefilled by the manufacturer by taking the medication, in its previously dispensed, properly labeled container, from where it is stored, and bringing it to the resident for self-injection;

i. Assist with nebulizers;

j. Use a glucometer to perform blood glucose testing;

k. Assist residents with oxygen nasal cannulas and continuous positive airway pressure (CPAP) devices, excluding the titration of the oxygen levels;

l. Apply and remove anti-embolism stockings and hosiery;

m. Placement and removal of colostomy bags, excluding the removal of the flange or manipulation of the stoma site; and

n. Measurement of blood pressure, heart rate, temperature, and respiratory rate.

(c) Unlicensed persons, as defined in Section 429.256(1)(b), F.S., who provide assistance with self-administered medications and have successfully completed the initial 6 4 hour training, must obtain, annually, a minimum of 2 hours of continuing education training on providing assistance with self-administered medications and safe medication practices in an assisted living facility. The 2 hours of continuing education training may be provided online ~~shall only be~~

~~provided by a licensed registered nurse, or a licensed pharmacist.~~

(d) Trained unlicensed staff who, prior to the effective date of this rule, assist with the self-administration of medication and have successfully completed 4 hours of assistance with self-administration of medication training must complete an additional 2 hours of training that focuses on the topics listed in sub-subparagraphs (6)(b)2.h.-n. of this section before assisting with the self-administration of medication procedures listed in sub-subparagraphs (6)(b)2.h.-n.

~~(7)(6)~~ NUTRITION AND FOOD SERVICE. The administrator or person designated by the administrator as responsible for the facility's food service and the day-to-day supervision of food service staff must obtain, annually, a minimum of 2 hours continuing education in topics pertinent to nutrition and food service in an assisted living facility. This requirement does not apply to administrators and designees who are exempt from training requirements under Rule 58A-5.020(1)(b). A certified food manager, licensed dietician, registered dietary technician or health department sanitarian is ~~sanitarians are~~ qualified to train assisted living facility staff in nutrition and food service.

~~(8)(7)~~ EXTENDED CONGREGATE CARE (ECC) TRAINING.

(a) The administrator and ECC ~~extended-congregate-care~~ supervisor, if different from the administrator, must complete core training and 4 hours of initial training in extended congregate care prior to the facility's receiving its ECC ~~extended-congregate-care~~ license or within 3 months of beginning employment in a currently licensed ECC ~~the~~ facility as an administrator or ECC supervisor. Successful completion of the assisted living facility core training shall be a prerequisite for this training. ECC supervisors who attended the assisted living facility core training prior to April 20, 1998, shall not be required to take the assisted living facility core training competency test.

(b) The administrator and the ECC ~~extended-congregate-care~~ supervisor, if different from the administrator, must complete a minimum of 4 hours of continuing education every two years in topics relating to the physical, psychological, or social needs of frail elderly and disabled persons, or persons with Alzheimer's disease or related disorders.

(c) All direct care staff providing care to residents in an ECC ~~extended-congregate-care~~ program must complete at least 2 hours of in-service training, provided by the facility administrator or ECC supervisor, within 6 months of beginning employment in the facility. The training must address ECC ~~extended-congregate-care~~ concepts and requirements, including statutory and rule requirements, and the delivery of personal care and supportive services in an ECC ~~extended-congregate-care~~ facility.

~~(9)(8)~~ LIMITED MENTAL HEALTH TRAINING.

(a) Pursuant to Section 429.075, F.S., the administrator, managers and staff, who have direct contact with mental health residents in a licensed limited mental health facility, must receive the following training:

1. A minimum of 6 hours of specialized training in working with individuals with mental health diagnoses.

a. No change.

~~b. Staff in “direct contact” means direct care staff and staff whose duties take them into resident living areas and require them to interact with mental health residents on a daily basis. The term does not include maintenance, food service or administrative staff, if such staff have only incidental contact with mental health residents.~~

b.e. Training received under this subparagraph may count once for 6 of the 12 hours of continuing education required for administrators and managers pursuant to Section 429.52(5)(4), F.S., and subsection (1) of this rule.

2. A minimum of 3 hours of continuing education, which may be provided by the ALF administrator, online, or through distance learning, biennially thereafter in subjects dealing with one or more of the following topics:

a. No change.

b. Mental health treatment such as:

(I) ~~M~~mental health needs, services, behaviors and appropriate interventions;

(II) ~~R~~esident progress in achieving treatment goals;

(III) ~~H~~ow to recognize changes in the resident’s status or condition that may affect other services received or may require intervention; and

(IV) ~~C~~erisis services and the Baker Act procedures.

3. For administrators and managers, the continuing education requirement under this subsection will satisfy 3 of the 12 hours of continuing education required biennially pursuant to Section 429.52(5)(4), F.S., and subsection (1) of this rule.

4. No change.

(b) No change.

~~(10)(9)~~ ALZHEIMER’S DISEASE AND RELATED DISORDERS (“ADRD”) TRAINING REQUIREMENTS. Facilities which advertise that they provide special care for persons with ADRD, or who maintain secured areas as described in Chapter 4, Section ~~434464~~.4.6 of the Florida Building Code, as adopted in Rule ~~61G20-1.001~~ 9N-1.001, F.A.C., Florida Building Code Adopted, must ensure that facility staff receive the following training.

(a) Facility staff who interact on a daily basis with residents with ADRD but do not provide direct care to such residents and staff who have regular contact with or provide direct care to residents with ADRD, shall obtain 4 hours of initial training within 3 months of employment. Completion of the core training program between April 20, 1998 and July 1, 2003 shall

satisfy this requirement. Facility staff who meet the requirements for ADRD training providers under paragraph (g) of this subsection will be considered as having met this requirement. ~~“Staff who have regular contact” means staff who interact on a daily basis with residents but do not provide direct care to residents.~~ Initial training, entitled “Alzheimer’s Disease and Related Disorders Level I Training,” must address the following subject areas:

1. through 6. No change.

(b) Staff who have successfully completed ~~received~~ both the initial one hour and continuing three hours of ADRD training pursuant to Sections 400.1755, 429.917 and 400.6045(1), F.S., shall be considered to have met the initial assisted living facility Alzheimer’s Disease and Related Disorders Level I Training.

(c) through (h) No change.

~~(10) ALZHEIMER’S DISEASE AND RELATED DISORDERS (“ADRD”) TRAINING PROVIDER AND CURRICULUM APPROVAL.~~

~~(a) The training provider and curriculum shall be approved by the department or its designee prior to commencing training activities. The department or its designee shall maintain a list of approved ADRD training providers and curricula. Approval as a training provider and approval of the curriculum may be obtained as follows:~~

~~1. Applicants seeking approval as ADRD training providers shall complete DOEA form ALF/ADRD 001, Application for Alzheimer’s Disease and Related Disorders Training Provider Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399 7000.~~

~~2. Applicants seeking approval of ADRD curricula shall complete DOEA form ALF/ADRD 002, Application for Alzheimer’s Disease and Related Disorders Training Three-Year Curriculum Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399 7000. Approval of the curriculum shall be granted for 3 years, whereupon the curriculum shall be re-submitted to the department or its designee for re-approval.~~

~~(b) Approved ADRD training providers must maintain records of each course taught for a period of 3 years following each program presentation. Course records shall include the title of the approved ADRD training curriculum, the curriculum approval number, the number of hours of training, the training provider’s name and approval number, the date and location of the course, and a roster of trainees.~~

~~(c) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the approved training~~



~~and the curriculum approval number, the number of hours of training, the trainee's name, dates of attendance, location and the training provider's name, approval number and dated signature. The training provider's signature on the certificate shall serve as documentation that the training provider has verified that the trainee has completed the required training pursuant to Section 429.178, F.S.~~

~~(d) The department or its designee reserves the right to attend and monitor ADRD training courses, review records and course materials approved pursuant to this rule, and revoke approval on the basis of non-adherence to approved curriculum, the provider's failure to maintain required training credentials, or if the provider is found to knowingly disseminate any false or misleading information.~~

~~(e) Except as otherwise noted, certificates of any ADRD training required by this rule shall be documented in the facility's personnel files.~~

~~(f) ADRD training providers and training curricula which are approved consistent with the provisions of Sections 429.1755, 429.6045 and 429.5571, F.S., shall be considered as having met the requirements of paragraph (9)(a) and subsection (10) of this rule.~~

~~(10)(11) DO NOT RESUSCITATE ORDERS TRAINING.~~

~~(a) Currently employed facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of training in the facility's policies and procedures regarding Do Not Resuscitate Orders DNROs within 60 days after the effective date of this rule.~~

~~(b) through (c) No change.~~

~~(11)(12) No change.~~

~~Rulemaking Authority 429.178, 429.41, 429.52 FS. Law Implemented 429.07, 429.075, 429.178, 429.41, 429.52 FS. History—New 9-30-92, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-5-05, 7-30-06, 10-9-06, 7-1-08, 4-15-10, \_\_\_\_\_.~~

58A-5.024 Records.

The facility must maintain required records in a manner that makes such records readily available at the licensee's physical address for review by a legally authorized entity. If records are maintained in an electronic format, facility staff must be readily available to access the data and produce the requested information. For purposes of this section, "readily available" means the ability to immediately produce documents, records, or other such data, either in electronic or paper format, upon request and the term "resident" includes day care participants and respite care residents.

(1) FACILITY RECORDS. Facility records must include:

(a) through (j) No change.

(k) All fire safety inspection reports issued by the local fire safety authority or the State Fire Marshal pursuant to ~~Section~~

~~429.41, F.S. and Rule Chapter 69A-40, F.A.C., issued within the last 2 years.~~

~~(l) through (o) No change.~~

~~(p) The facility's infection control policies and procedures.~~

~~1. The facility's infection control policy must include:~~

~~a. A hand hygiene program which includes sanitation of the hands through the use of alcohol-based hand rubs or soap and water before and after each resident contact.~~

~~b. Use of gloves during each resident contact where contact with blood, potentially infectious materials, mucous membranes, and non-intact skin could occur.~~

~~c. The safe use of blood glucometers to ensure finger stick devices and glucometers are restricted to a single resident. Lancets should be disposed in an approved sharps container and never reused. Glucometers should be cleaned and disinfected after every use, per manufacturer's instructions, to prevent carry-over of blood and infectious agents.~~

~~d. Medication practices including adherence to standard precautions to prevent the transmission of infections in a residential setting.~~

~~e. Staff identification, reporting, and prevention of pest infestations such as bed bugs, lice, and fleas.~~

~~(q) The facility's abuse prevention policies and procedures.~~

~~(r)(p) No change.~~

~~(2) No change.~~

~~(3) RESIDENT RECORDS. Resident records must be maintained on the premises and include:~~

~~(a) Resident demographic data as follows:~~

~~1. through 8. No change.~~

~~9. Name, address, and telephone number of the resident's health care provider and case manager, if applicable.~~

~~(b) No change.~~

~~(c) Any orders for medications, nursing services, therapeutic diets, do not resuscitate orders, or other services to be provided, supervised, or implemented by the facility that require a health care provider's order. Records of residents receiving nursing services from a third party must contain all orders for nursing services, all nursing assessments, and all nursing progress notes for services provided by the third party nursing services provider. Facilities that do not have such documentation but that can demonstrate that they have made a good faith effort to obtain such documentation may not be cited for violating this paragraph. A documented request for such missing documentation made by the facility administrator within the previous 30 days will be considered a good faith effort. The documented request must include the name, title, and phone number of the person to whom the request was made and must be kept in the resident's file.~~

~~(d) No change.~~

~~(e) The resident care record described in paragraph 58A-5.0182(1)(f)(e), F.A.C.~~

(f) through (o) No change.

(p) For independent living residents who receive meals and occupy beds included within the licensed capacity of an assisted living facility, but who are not receiving any personal, limited nursing, or extended congregate care services, record keeping may be limited to ~~the following at the discretion of the facility:~~

~~1. a log listing the names of residents participating in this arrangement;~~

~~2. The resident demographic data required in this paragraph;~~

~~3. The health assessment described in Rule 58A 5.0181, F.A.C.;~~

~~4. The resident's contract described in Rule 58A 5.025, F.A.C.; and~~

~~5. A health care provider's order for a therapeutic diet if such diet is prescribed and the resident participates in the meal plan offered by the facility.~~

(q) through (r) No change.

(4) No change.

Rulemaking Authority 429.41, 429.275 FS. Law Implemented 429.24, 429.255, 429.256, 429.26, 429.27, 429.275, 429.35, 429.41, 429.52 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.24, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.024, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 10-9-06, 4-17-14,\_\_\_\_\_.

58A-5.029 Limited Mental Health.

(1) LICENSE APPLICATION.

(a) Any facility intending to admit ~~one three~~ or more mental health residents must obtain a limited mental health license from the agency before accepting the ~~third~~ mental health resident.

(b) No change.

(2) RECORDS.

(a) through (b) No change.

(c) Resident records must include:

1. Documentation, provided by a mental health care provider within 30 days of the resident's admission to the facility, that the resident is a mental health resident as defined in Section 394.4574 ~~3474~~, F.S., and that the resident is receiving social security disability or supplemental security income and optional state supplementation as follows:

a. An affirmative statement on the Alternate Care Certification for Optional State Supplementation (OSS) form, CF-ES 1006, October 2005, which is hereby incorporated by reference and available for review at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03988> that the resident is receiving SSI or SSDI due to a mental psychiatric ~~psychiatric~~ disorder,

b. through c. No change.

2. No change.

3. A Community Living Support Plan. ~~a.~~ Each mental health resident and the resident's mental health case manager must, in consultation with the facility administrator, prepare a plan within 30 days of the resident's admission to the facility or within 30 days after receiving the appropriate placement assessment in paragraph (2)(c), whichever is later, that:

~~a.(I)~~ through ~~g.(VII)~~ No change.

h. (VIII) Is updated at least annually or if there is a significant change in the resident's behavioral health,

~~i.(IX)~~ through ~~j.(X)~~ No change.

~~b. Those portions of a service or treatment plan prepared pursuant to Rule 65E 4.014, F.A.C., that address all the elements listed in sub-subparagraph (2)(c)3.a. above may be substituted.~~

4. No change.

5. Missing documentation will not be the basis for administrative action against a facility if the facility can demonstrate that it has made a good faith effort to obtain the required documentation from the appropriate party Department of Children and Families, or the mental health care provider. A documented request for such missing documentation made by the facility administrator within 72 hours of the resident's admission will be considered a good faith effort. The documented request must include the name, title, and phone number of the person to whom the request was made and must be kept in the resident's file.

(3) RESPONSIBILITIES OF FACILITY. In addition to the staffing and care standards of this rule chapter to provide for the welfare of residents in an assisted living facility, a facility holding a limited mental health license must:

(a) through (e) No change.

~~(f)(e)~~ Maintain facility, staff, and resident records in accordance with the requirements of this rule chapter.

Rulemaking Authority 429.41 FS. Law Implemented 429.075, 429.26, 429.41 FS. History—New 8-15-90, Amended 9-30-92, Formerly 10A-5.029, Repromulgated 10-30-95, Amended 6-2-96, 11-2-98, 7-30-06, Amended 4-17-14,\_\_\_\_\_.

58A-5.030 Extended Congregate Care Services.

(1) through (2) No change.

~~(3) PHYSICAL SITE REQUIREMENTS. Each extended congregate care facility must provide a homelike physical environment that promotes resident privacy and independence including:~~

~~(a) A private room or apartment, or a semi-private room or apartment, shared with a roommate of the resident's choice. The entry door to the room or apartment must have a lock that is operable from the inside by the resident with no key needed. The resident must be provided with a key to the entry door on request. The resident's service plan may allow for a non-locking entry door if the resident's safety would otherwise be jeopardized; and~~

~~(b) A bathroom, with a toilet, sink, and bathtub or shower, that is shared by a maximum of 4 residents for a maximum ratio of 4 residents to 1 bathroom.~~

~~1. A centrally located hydro massage bathtub may substitute for a bathtub or shower and be considered equivalent to two bathrooms, increasing the resident to bathroom ratio from four to one to eight to one. The substitution of a centrally located hydro massage bathtub for a bathtub or shower that increases the resident to bathtub ratio above four to one may occur only once in a facility. The one time substitution of a centrally located hydro massage bathtub does not preclude the installation of multiple hydro massage bathtubs in the facility. The limitation applies only to the one time reduction in the total number of bathtubs in the facility.~~

~~2. The entry door to the bathroom must have a lock that the resident can operate from the inside with no key needed. The resident's service plan may allow for a non locking bathroom door if the resident's safety would otherwise be jeopardized.~~

~~(3)(4) No change.~~

~~(4)(5) ADMISSION AND CONTINUED RESIDENCY.~~

~~(a) An individual must meet the following minimum criteria in order to receive extended congregate care services:~~

~~1. through 6. No change.~~

~~7. Not require any of the following nursing services:~~

~~a. Artificial airway management of any kind except that of continuous positive airway pressure may be provided through the use of a CPAP or bipap machine Oral or nasopharyngeal suctioning,~~

~~b. through c. No change.~~

~~d. Management of post-surgical drainage tubes or wound vacuums Intermittent positive pressure breathing therapy,~~

~~e. No change.~~

~~f. Treatment of a surgical incision, unless the surgical incision and the condition that caused it have been stabilized and a plan of care developed,; The plan of care must be maintained in the resident's record at the facility.~~

~~8. No change.~~

~~9. Have been determined to be appropriate for admission to the facility by the facility administrator or manager. The administrator or manager must base his or her decision on:~~

~~a. through b. No change.~~

~~c. The ability of the facility to meet the uniform fire safety standards for assisted living facilities established in Section 429.41, F.S. and Rule Chapter 69A-40, F.A.C.~~

~~(b) No change.~~

~~(6) through (10) renumbered (5) through (9) No change.~~

Rulemaking Authority 429.07, 429.41 FS. Law Implemented 429.07, 429.255, 429.26, 429.28, 429.41 FS. History—New 9-30-92, Formerly 10A-5.030, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 4-17-14,\_\_\_\_\_.

58A-5.031 Limited Nursing Services.

Any facility intending to provide limited nursing services must obtain a license from the agency.

~~(1) NURSING SERVICES. A facility with a limited nursing services license may provide the following nursing services~~ In addition to any nursing service permitted under a standard license pursuant to Section 429.255, F.S., a facility with a limited nursing services license may provide nursing care to residents who do not require 24-hour nursing supervision and to residents who do require 24-hour nursing care and are enrolled in hospice.

~~(a) Conducting passive range of motion exercises.~~

~~(b) Applying ice caps or collars.~~

~~(c) Applying heat, including dry heat, hot water bottle, heating pad, aquathermia, moist heat, hot compresses, sitz bath and hot soaks.~~

~~(d) Cutting the toenails of diabetic residents or residents with a documented circulatory problem if the written approval of the resident's health care provider has been obtained.~~

~~(e) Performing ear and eye irrigations.~~

~~(f) Conducting a urine dipstick test.~~

~~(g) Replacing of an established self-maintained indwelling urinary catheter, or inserting an intermittent urinary catheter.~~

~~(h) Performing digital stool removal therapies.~~

~~(i) Applying and changing routine dressings that do not require packing or irrigation, but are for abrasions, skin tears and closed surgical wounds.~~

~~(j) Caring for stage 2 pressure sores. Caring for stage 3 or 4 pressure sores is not permitted by a facility with a limited nursing services license.~~

~~(k) Caring for casts, braces and splints. Caring for head braces, such as a halo is not permitted by a facility with a limited nursing services license.~~

~~(l) Conducting nursing assessments if conducted by a registered nurse or under the direct supervision of a registered nurse.~~

~~(m) Providing any nursing service permitted under the facility's license and total help with the activities of daily living for residents admitted to hospice as described in subsection 58A 5.0181(4), F.A.C.; however, staff may not exceed the scope of their professional licensure.~~

~~(n) Assisting, applying, caring for and monitoring the application of anti-embolism stockings or hosiery as prescribed by the health care provider and in accordance with the manufacturers' guidelines.~~

~~(o) Administration and regulation of portable oxygen.~~

~~(p) Applying, caring for and monitoring a transcutaneous electric nerve stimulator (TENS).~~

~~(q) Catheter, colostomy, ileostomy care and maintenance.~~

~~(2) RESIDENT CARE STANDARDS.~~

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

(d) Facilities licensed to provide limited nursing services must employ or contract with a nurse(s) who must be available to provide such services as needed by residents. The facility's employed or contracted nurse must coordinate with third party nursing services providers to ensure resident care is provide in a safe and consistent manner. The facility must maintain documentation of the qualifications of nurses providing limited nursing services in the facility's personnel files.

(e) The facility must ensure that nursing services are conducted and supervised in accordance with Chapter 464, F.S., and the prevailing standard of practice in the nursing community.

(3) RECORDS.

(a) A record of all residents receiving limited nursing services and the type of services provided must be maintained at the facility.

(b) through (c) No change.

Rulemaking Authority 429.41 FS. Law Implemented 429.07, 429.255, 429.26, 429.41 FS. History—New 9-30-92, Formerly 10A-5.031, Amended 10-30-95, 10-17-99, 7-30-06, 3-13-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeanne Curtin, Deputy General Counsel, Department of Elder Affairs.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeffrey S. Bragg

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 2/7/2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 11/22/2017

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE NOS.:	RULE TITLES:
60S-1.004	Participation
60S-1.0057	Senior Management Service Class (SMSC)
60S-1.0075	Transfer, Merger, or Consolidation of Governmental Units, Services, or Functions

PURPOSE AND EFFECT: Amend ERQ-1 form title; clarify language about one time second election; amend language for default membership; clarify language about compulsory membership for eligible members; amend language for SMSOAP election; amend language for renewed membership; clarify enrollment for eligible employees in relation to SB 7022.

SUMMARY: Amend form in rule; enrollment eligibility; SMSOAP election; renewed membership; default membership.

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

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within

one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 121.031, 121.4501(8) FS.

LAW IMPLEMENTED: 121.011, 121.021, 121.051, 121.0511, 121.0515, 121.052, 121.053, 121.055, 121.081, 121.122, 121.35, 121.355, 121.4501, 1012.875, 121.021(39), 121.051(1), 121.051(2), 121.0511(6), 121.091(13), 121.091(8) 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: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee FL 32311, (850)414-6349

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

60S-1.004 Participation.

(1) Compulsory Membership – Participation in the Florida Retirement System (FRS) shall be compulsory as a condition of employment for all officers and employees enumerated in the following paragraphs who are filling a regularly established position as described in subsection 60S-1.004(4), F.A.C., and defined in Rule 60S-6.001, F.A.C., (exceptions are provided in subsection 60S-1.004(2) or (3), F.A.C.) and eligible for FRS membership. Such officers and employees shall participate in one of the five Florida Retirement System classes of membership. Members shall be assigned to the Regular Class unless eligible or required by virtue of the position held to be in the Special Risk Class ~~as provided in Rule 60S 1.005, F.A.C.,~~ the Special Risk Administrative Support Class ~~as provided in Rule 60S 1.0054, F.A.C.,~~ the Elected Officers' Class ~~as provided in Rule 60S 1.0055, F.A.C.,~~ or the Senior Management Service Class ~~as provided in Rule 60S 1.0057, F.A.C.~~ All such officers or employees initially enrolled into the FRS or initially enrolled as renewed members of the FRS as provided in Sections ~~121.4501 121.122 and 121.053, F.S.,~~ shall be enrolled, by default, into the ~~defined benefit plan of the FRS~~ more commonly referred to as the FRS Investment Pension Plan as provided in Part II of Chapter 121, F.S., and may, by the last

business day of the ~~eighth~~ fifth month following his or her month of hire as provided in Sections 121.122 and 121.053 121.4501, F.S., choose to elect enrollment into the ~~defined contribution plan of the FRS more commonly referred to as the FRS Pension Investment Plan~~ as provided in Part II of Chapter 121, F.S. Such election may be filed with the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., using one of the following State Board of Administration forms adopted by reference in Rule 19-11.006, F.A.C., applicable to his or her membership class in the Florida Retirement System. The forms are: Form ELE-1-EZ ~~(Rev. 07 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01922>, an EZ Retirement Plan Enrollment form which is only for Regular Class, Special Risk Class, and Special Risk Administrative Support Class members; Form ELE-1 ~~(Rev. 10 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01923>, a General Retirement Plan Enrollment form for Regular Class, Special Risk Class, and Special Risk Class Administrative Support Class members; Form EOC-1 ~~(Rev. 10 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01924>, a form for Elected Officers' Class members; Form OCC-1 ~~(Rev. 10 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01925>, a form for members eligible for participation in the State Community College System Optional Retirement Program; Form ORP-16 ~~(Rev. 10 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01926>, a form for members eligible for participation in the State University System Optional Retirement Plan; ~~Form SMS-1 (Rev. 10 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01927>, a form for members eligible for participation in the Senior Management Service Optional Annuity Plan; and Form SMS-3 ~~(Rev. 10 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01928>, a form for members eligible for participation in a local retirement plan in lieu of the Senior Management Service Class all of which are herein incorporated by reference. The form appropriate to the employee's membership class is available online at in the enrollment package which is sent to the employee's address of record after the employee's first reported payroll or by accessing the Division's Web site (www.MyFRS.com or at www.frs.MyFlorida.com); or by calling toll free 1(866)446-9377, or for the hearing impaired 1(888) 429-2160, or alternatively the employee may choose to submit a separate document in lieu of the form to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election. Except for renewed members initially enrolled on or after July 1, 2017, a After the period of initial FRS plan choice has expired, or the month following the receipt of

the eligible employee's plan election, if sooner, the employee's plan choice is irrevocable except that the employee shall have one opportunity, at the employee's discretion, to change plans as provided in Section 121.4501, F.S. Such election to change FRS plans may be made using one of the following State Board of Administration forms adopted by reference in Rule 19-11.007, F.A.C., for ease of use for employees in the several membership classes of the Florida Retirement System. These forms are: Form ELE-2 ~~(Rev. 10 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01929>, 2nd Election Retirement Plan Enrollment Form; and Form ELE-2-EZ ~~(Rev. 07 12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref 01930>, 2nd Election Retirement Plan Enrollment Form both of which are herein incorporated by reference. These forms can be obtained online at www.MyFRS.com or at by accessing the Division's Web site (www.frs.MyFlorida.com); or by calling toll free 1(866) 446-9377, or for the hearing impaired 1(888) 429-2160, or alternatively the employee may choose to submit a separate document in lieu of the form to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election.

(a) through (d) No change.

(e) Officers and employees of a covered group of a municipality, independent special district, metropolitan planning organization, public charter school or public charter technical career center which is approved for participation in the Florida Retirement System. If eligible for FRS membership, Such officers and employees shall be compulsory members as follows:

1. through 2. No change.

(f) All officers or employees of a covered group of a municipality or independent special district, who are members of a local retirement system established in accordance with Chapter 175 or 185, F.S., may elect coverage under the Florida Retirement System by a majority of such officers and employees in a referendum held for that purpose. Upon establishing membership in the Florida Retirement System for the covered group, all officers or employees hired thereafter who are eligible for FRS membership shall be compulsory members of the FRS. Existing officers and employees shall be subject to paragraph 60S-1.004(2)(h), F.A.C.

(g) No change.

(h) All blind or partially-sighted persons who are employed or licensed by the Bureau of Blind Services as vending facility operators on or after December 1, 1970 and prior to July 1, 1996. Such persons who were members during that period shall remain compulsory members of the Florida Retirement System for as long as the member is a vending facility operator, unless such member makes an irrevocable election on or before July

31, 1996, to withdraw from the Florida Retirement System or unless retirement contributions are not paid as required in Rule 60S-3.003, F.A.C.

(i) through (l) No change.

(2) Optional Membership – Participation in the Florida Retirement System shall be optional for all officers and employees enumerated in the following paragraphs who are filling a regularly established position as described in subsection 60S-1.004(4) and defined in Rule 60S-6.001, F.A.C.

(a) through (b) No change.

(c)1. No change.

2. Employees enrolled by default into the SUSORP, except for those filling a mandatory SUSORP position or a renewed member initially enrolled on or after July 1, 2017, may choose between membership in the Florida Retirement System or participation in the SUSORP within 90 days of employment by filing such election in writing with the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., not later than 4:00 p.m. Eastern Time on the 90th day from the employee’s date of hire into the SUSORP eligible position in accordance with Sections 121.35 and 121.4501, F.S., and Rule 19-11.006, F.A.C., and may file such election using the State Board of Administration’s designed form for ease of use; Form ORP-16, State University System Optional Retirement Program (SUSORP) Retirement Plan Enrollment Form adopted by reference in Rule 19-11.006, F.A.C. subsection (1), or alternatively the employee may choose to submit a separate document in lieu of Form ORP-16, to file their election with the Plan Choice Administrator which at minimum shall provide the employee’s name, social security number and his or her plan election.

3. No change.

4. Employees enrolled by default in the SUSORP, except for mandatory SUSORP participants or a renewed member initially enrolled on or after July 1, 2017, who do not elect SUSORP participation and/or who do not execute a provider contract within the 90-day period as provided in sub-paragraph 2., shall be reported as by default have membership in the FRS Pension Plan members commencing with the date of employment into the SUSORP-eligible position. FRS membership will be determined by the member’s active election or default membership as provided in 60S-1.004(1).

5. No change.

(d) Employees with active Senior Management Service Optional Annuity Program membership (SMSOAP) filling a position classified as eligible for SMSOAP participation in the Senior Management Service Optional Annuity Program as provided in Section 121.055, F.S., and Chapter 60V, F.A.C., shall within the 90-day period of the commencement of such employment have the option of prospectively participating in the Senior Management Service Optional Annuity Program

(SMSOAP) in lieu of participating in the FRS as provided in Sections 121.055 and 121.4501, F.S.

~~1. An election to participate in the SMSOAP, must be made in writing to the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.S., no later than the 90th day after the date of hire which requires the selection to be made not later than 4:00 p.m. Eastern Time on the 90th day from the employee’s date of hire in accordance with Sections 121.055 and 121.4501, F.S., and Rule 19-11.006, F.A.C.~~

~~2. SMSOAP eligible employees who wish to participate in the SMSOAP, may file their election in writing to the Plan Choice Administrator using the State Board of Administration designed form for ease of use; Form SMS-1, State Senior Management Service Employees Retirement Plan Enrollment Form, adopted by reference in subsection (1), or alternatively the employee may choose to submit a separate document in lieu of Form SMS-1, to file their election with the Plan Choice Administrator which at minimum shall provide the employee’s name, social security number and his or her plan election.~~

~~1.3. An election to participate in SMSOAP is irrevocable for as long as an employee remains in the SMSOAP-eligible position except as provided in Section 121.055(6)(c)5., F.S.~~

(e) Any elected officer eligible for membership in the Elected Officers’ Class as provided in paragraph 60S-1.0055(2)(b), F.A.C., may within the first six months of assuming office choose to:

1. through 2. No change.

3. An elected officer may file their election in writing to the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., no later than the last business day of the 6th month after assuming elected office in accordance with Sections 121.055 and 121.4501, F.S. and Rule 19-11.006, F.A.C., using the SBA designed form for ease of use; Form EOC-1, Elected Officers’ Class Retirement Plan Enrollment Form, adopted by reference in Rule 19-11.006, F.A.C., subsection (1) or alternatively the employee may choose to submit a separate document in lieu of Form EOC-1, to file their election with the Plan Choice Administrator which at minimum shall provide the employee’s name, social security number and his or her plan election.

(f) Any member of an existing system or any member retired under the disability provisions of the Teachers’ Retirement System who recovers and terminates his or her benefit, and

1. No change.

2. Who has terminated all employment relationships as provided in subsection 60S-6.001(69), F.A.C., remains terminated from all covered employment for at least 12 months and returns to covered reemployment on or after July 1, 1988. Such member shall have the option of transferring to the Florida Retirement System or remaining in the existing system. To

remain in the existing system the member shall, within 6 months of reemployment, make written notification to the Division of his or her intention to remain in the existing system. Such written notification may be made using Division of Retirement designed form for ease of use, Form BLE-1 (Rev 08/99),

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00317, herein adopted by reference and may be obtained by calling the Division Toll Free at (844)377-1888, if calling outside the Tallahassee calling area or locally at (850) 907-6500, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771; or alternatively the employee may choose to submit a separate document in lieu of Form, BLE 1, to file their written notification with the Division which at minimum shall provide the employee's name, social security number and his or her plan election.~~ Failure to submit notification shall result in compulsory membership in the Florida Retirement System as provided in paragraph 60S-1.004(1)(d), F.A.C. (See also paragraphs 60S-1.004(1)(g), (3)(b) and (3)(f), F.A.C.)

(g) No change.

(h) Officers or employees of a covered group of a municipality or independent special district who are members of a local retirement system established in accordance with Chapter 175 or 185, F.S. All such officers and employees who are eligible for Florida Retirement System membership and who elect coverage under the Florida Retirement System shall be compulsory members of the Florida Retirement System, provided a majority of such officers and employees elect such coverage in a referendum held for that purpose.

(i) No change.

(j) Any employee filling a position classified as eligible for participation in the Florida Retirement System and who elects the State Community College System Optional Retirement Program (CCORP) as provided in Sections 121.051 and 1012.875, F.S.

1.a. No change.

b. On or after July 1, 2003 and through December 31, 2008, an active CCORP participant, having made election to participate in the CCORP prior to July 1, 2003, may file an election in writing with the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., to transfer the sum representing the Present Value of the FRS Pension Plan service credit that resulted from that period(s) of time when the participant first became eligible to transfer to the CCORP and the effective date of such election as provided in Section 121.051(2)(c)7., F.S. Transfer of this sum will nullify service credit for that period under the FRS Pension Plan. Such election may be filed in writing to the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., in accordance to Section 121.4501, F.S., and Rule 19-11.006, F.A.C., using the

State Board of Administration designed form for ease of use; Form OCC-2 (Rev. 10/12) ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01931, "Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) Members", herein incorporated by reference in Rule 19-11.007, F.A.C.. This form is available online at www.MyFRS.com or at on the Division's Web site (www.frs.MyFlorida.com); or by calling toll free (866)446-9377, or for the hearing impaired (888) 429-2160; or alternatively the employee may choose to submit a separate document in lieu of Form OCC 2, to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election.~~

2. On or after July 1, 2003, an employee filling a CCORP eligible position, within 90 days of qualifying employment, shall have the option of electing to participate in the CCORP.

a. through b. No change.

c. To file an election to participate in the CCORP, such election must be made in writing to the Plan Choice Administrator and to the employer, the eligible employee may use the State Board of Administration's designed form for ease of use; Form OCC-1, "Community College Optional Retirement Program (CCORP) Retirement Plan Choice Form for Eligible Employees," adopted by reference in Rule 19-11.006, F.A.C., subsection (1), or alternatively the employee may choose to submit a separate document in lieu of Form OCC 1, to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election.

d. No change.

3. An election to participate in the CCORP is irrevocable except that, effective July 1, 2003, an active participant can, at his or her discretion within the terms of his or her State Community College Optional Retirement Program contract, exercise a one-time opportunity to transfer to the FRS Pension Plan or participate prospectively in the FRS Investment Plan by filing such election in writing with the Plan Choice Administrator, the eligible employee may use the State Board of Administration's designed form for ease of use; Form OCC-2 "Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) Members" ~~or alternatively the employee may choose to submit a separate document in lieu of Form OCC 2, to file his or her election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election.~~

(k) No change.

(3) Membership Not Permitted – Participation in the Florida Retirement System shall not be permitted for:

(a) through (f) No change.

(g) Any person performing services as a consultant or an independent contractor as defined in subsection 60S-6.001(33), F.A.C. The determination of the employment classification of a person as an employee or an independent contractor is solely within the jurisdiction of the Division. To establish whether a person is an independent contractor or an employee, a determination may be requested from the Division, Bureau of Enrollment and Contributions. The determination will be based in substantial part on information furnished on Form ERQ-1, effective \_\_\_\_\_, (Rev. \_\_\_\_\_ 09/08) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00323>, Florida Retirement System Pension Plan Employment Relationship Questionnaire for Retirees Within the 2nd 12th Months, herein adopted by reference, which the employing agency and the person performing the services must each complete and submit to the Division for a determination. Form ERQ-1 is available online at [www.MyFRS.com](http://www.MyFRS.com) or at [www.frs.MyFlorida.com](http://www.frs.MyFlorida.com) or may be obtained by calling the Division Toll Free at (844) 377-1888, if calling outside the Tallahassee calling area or locally at (850) 907-6500. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771. Retroactive adjustments of retirement contributions will be required by any agency that improperly excludes or enrolls a person.

(h) Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan provided by rule adopted by the Board of Governors or its predecessors. Effective July 1, 2008, any person appointed to a faculty position, including clinical faculty, in a college at a state university that has a faculty practice plan authorized by the Board of Governors. Such person must participate in the State University System Optional Retirement Program based on such service as provided in subsection 60U-1.004(4), F.A.C. and in accordance with Section 121.051(1), F.S.

(i) through (j) No change.

(k) All blind or partially-sighted persons who are employed or licensed by the Bureau of Blind Services as vending facility operators on or after July 1, 1996; and any such persons who were members prior to July 1, 1996, who make an irrevocable election on or before July 31, 1996, to withdraw from the Florida Retirement System, and any such persons for whom retirement contributions are not paid as required in Rule 60S-3.003, F.A.C.

(l) through (m) No change.

~~(n) Any retiree of a state administered retirement system initially reemployed on or after July 1, 2010, is not eligible for~~

~~renewed membership as provided in Sections 121.122 and 121.053, F.S.~~

~~(o) Any retiree of a state administered retirement system who is working for a non-participating FRS employer which joins the FRS on or after July 1, 2010, is ineligible for renewed membership in the Florida Retirement System as provided in Sections 121.122 and 121.053, F.S.~~

(4) through (5) No change.

(6) A member who terminates employment retains membership rights to previously earned member-noncontributory service credit, and to member-contributory service credit if the member leaves his or her contributions on deposit in his or her retirement account. Such member may reinstate any previously earned member-contributory service credit for which a refund was received after completion of 1 year of reemployment and membership as provided in subsection 60S-2.004(2), F.A.C., and repayment of the refunded employee contributions, as provided in Rule 60S-3.005, F.A.C.

(7) The effective date of membership in each class enumerated in subsection (1) and defined in Rule 60S-6.001, F.A.C., shall be as follows:

(a) through (c) No change.

(d) Elected Officers' Class members:

1. An elected officer who becomes a compulsory member of the Elected Officers' Class in accordance with subsection 60S-1.0055(1), F.A.C., shall have membership in such class on the date such officer assumes office; or

2. An elected officer who has withdrawn from the Elected Officers' Class and later elects to rejoin the Elected Officers' Class in accordance with subsection 60S-1.0055(2), F.A.C., shall have membership in such class on the first day of the month during which the Division receives the officer's request to rejoin the Elected Officers' Class.

(e) No change.

Rulemaking Authority 121.031, 121.4501(8)(a) FS. Law Implemented 121.011, 121.021, 121.021(39), 121.051(1), (2), 121.051(2)(b)6., 121.0511, 121.0511(6), 121.052, 121.053, 121.055, 121.081, 121.091(8), (13), 121.122, 121.35, 121.355, 121.4501, ~~240.3195~~, 1012.875 FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 10-2-78, 7-1-79, 7-1-80, 8-26-81, 1-19-82, 10-11-82, 1-18-83, 11-6-84, 4-17-85, Formerly 22B-1.04, Amended 2-4-86, 1-12-87, 3-11-87, 2-7-89, 9-5-90, 5-15-91, 11-14-91, Formerly 22B-1.004, Amended 3-18-93, 8-4-94, 4-5-95, 3-12-96, 12-12-96, 2-24-99, 9-17-03, 1-1-06, 4-5-12, 3-25-13, \_\_\_\_\_.

60S-1.0057 Senior Management Service Class (SMSC).

(1) through (3) No change.

~~(4) Renewed Membership in the SMSC—Effective July 1, 1997 and through June 30, 2010, any retiree of a state administered retirement system employed in a position included in the Senior Management Service Class as provided in this section, shall have renewed membership in the Senior~~



~~Management Service Class as provided in Rule 60S-1.0045, F.A.C. Any retiree of a state retirement system initially reemployed on or after July 1, 2010, is not eligible for renewed membership as provided in Sections 121.122 and 121.053, F.S.~~

(5) through (6) renumbered (4) through (5) No change.

~~(6)(7) Optional Membership – Membership in the Senior Management Service Class shall be optional for certain eligible members according to the following:~~

(a) No change.

(b) Any member holding a position eligible for membership in the Senior Management Service Class position as provided in paragraphs 60S-1.0057(1)(a), (b), (e), (f), (g) and (h), F.A.C., who is a member of the Special Risk Class or the Special Risk Administrative Support Class of the Florida Retirement System, may elect to remain in such class in lieu of participation in the Senior Management Service Class as follows:

1. No change.

2. Any such employee who fails to elect to remain in such class, ~~or elect to participate in the Senior Management Optional Annuity Program as provided in paragraph 60S-1.0057(7)(e), F.A.C.,~~ within such 90-day period, shall be a compulsory member of the Senior Management Service Class as provided in subsection 60S-1.0057(1), F.A.C.

3. No change.

~~(e) Any member of the Florida Retirement System Pension Plan or an existing system who is eligible for membership in the Senior Management Service Class as provided in paragraphs 60S-1.0057(1)(a), (b), (e), (f), (g), (h), and subparagraph (7)(f)1., F.A.C., may elect to participate in the Senior Management Service Optional Annuity Program (SMSOAP) as provided in Section 121.055, F.S., and Chapter 60V, F.A.C., in lieu of the Senior Management Service Class as follows:~~

~~1. Such election shall be made in writing to the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., within the 90-day period of the commencement of such eligible employment as provided in Rule 19-11.006, F.A.C. Such election may be filed using the State Board of Administration designed form for ease of use; Form SMS-1, State Senior Management Service Employees Retirement Plan Form adopted by reference in subsection 60S-1.004(1), F.A.C., or alternatively the employee may choose to submit a separate document in lieu of Form SMS-1, to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election. Such election requires that a contract with a SMSOAP provider company be executed within that 90-day period. The effective date of such member's participation in the Senior Management Service Optional Annuity Program shall be the date of employment or the first day of any month in which such~~

~~election is received by the Plan Choice Administrator within the 90-day period after employment begins in the Senior Management Service Class position.~~

~~2. Any such eligible employee who fails to elect to participate in the Senior Management Service Optional Annuity Program, and/or execute a contract with a SMSOAP provider company, or to make the election as provided in paragraph 60S-1.0057(7)(a) or (b), F.A.C., within such 90-day period, shall be a compulsory member of the Senior Management Service Class as provided in subsection 60S-1.0057(1), F.A.C.~~

(d) through (e) renumbered (c) through (d) No change.

~~(e)(f)1. Effective July 1, 1997, within 6 months of assuming office or within 6 months of July 1, 1997, the following elected officers eligible for membership in the Elected Officers' Class as provided in subsection 60S-1.0055(1), F.A.C., and who have not previously retired from a State of Florida administered retirement plan, may elect membership in the Senior Management Service Class in lieu of the Elected Officers' Class:~~

a. through b. No change.

2. No change.

~~(f)(g)~~ No change.

~~(7)(8)~~ No change.

Rulemaking Authority 121.031, 121.4501(8)(a) FS. Law Implemented 27-701, 121.051, 121.055 FS. History—New 1-12-87, Amended 2-7-89, 9-5-90, 11-14-91, Formerly 22B-1.0057, Amended 1-25-94, 8-4-94, 12-12-96, 2-24-99, 9-17-03, 4-5-12, 3-25-13, \_\_\_\_\_.

60S-1.0075 Transfer, Merger, or Consolidation of Governmental Units, Services, or Functions.

(1) through (2) No change.

(3) When an agency join, transfer, merger, or consolidation results in an employee's employing unit becoming a FRS participating employer, the following shall apply:

(a) If the employee is not a member of a local retirement system, the employee eligible for FRS membership shall be enrolled as a member of the FRS as of the effective date of the agency join, transfer, merger, or consolidation.

(b) If the employee is a member of a local retirement system, including a system established in accordance with Chapter 175 or 185, F.S., the employee must elect in writing, as of the effective date of the agency join, transfer, merger, or consolidation, whether to remain in said local retirement system or transfer to the FRS.

1. If the employee elects to remain a member of the local system, such membership shall continue, except as provided in sub-subparagraph a., as long as the employee remains employed by the participating employer to which the employing unit was agency joined, transferred, merged, or consolidated.

a. If the member retires from the local system and remains employed or is reemployed with the same employer, the

employee eligible for FRS membership shall be enrolled as a member of the FRS, provided credit is no longer accruing toward a benefit under said local system, except that members of a local retirement system, whose employer becomes covered under the FRS due to agency join, transfer, merger or consolidation, and those employees participating in a Deferred Retirement Option Program of the local retirement plan are considered temporary employees under the FRS until the employee's Deferred Retirement Option Program participation is completed.

b. If an employee covered under this subparagraph who rejected the opportunity to transfer to the FRS upon the agency join, transfer, merger, or consolidation subsequently becomes a member of the FRS, the member may claim rejected past service at total actuarial cost as provided in subsections 60S-2.003(3) and (6) and paragraph 60S-3.004(3)(b), F.A.C.

2. If the employee elects to become a member of the FRS at the time of the agency join, transfer, merger, or consolidation, the member may claim past service as creditable service under the FRS in accordance with subsections 60S-2.003(3) and (6) and paragraph 60S-3.004(3)(a), F.A.C.

(4) – (6) No change.

Rulemaking Authority 121.031 FS. Law Implemented 112.0515, 121.011, 121.081 FS. History—New 5-15-91, Formerly 22B-1.0075, Amended 12-30-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Elizabeth Stevens, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 26, 2.017

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE NOS.:       RULE TITLES:  
60S-4.0035       Retirement Application and Effective Retirement Date

60S-4.008       Benefits Payable Upon Death

PURPOSE AND EFFECT: Amend form to allow usage by members of all membership classes in the Investment Plan; remove repealed rule citations; amend language regarding in-line-of-duty benefits in relation to SB 7022.

SUMMARY: Amend form in rule; remove repealed rule citations from language; amend in-line-of-duty benefits in relation to SB 7022.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 121.031, 121.4501(8) FS.

LAW IMPLEMENTED: 121.021(14), 121.055, 121.091(7), 112.65, 121.021, 121.091, 121.4501(16), 121.591(2) 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: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee FL 32311, (850)414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-4.0035 Retirement Application and Effective Retirement Date.

(1) It shall be the responsibility of the FRS Pension Plan member, the State and County Officers' and Employees' Retirement System member, the Teachers' Retirement System member or the beneficiary of any such member in the event of the member's death, to make proper application to the Division for retirement benefits. A member may apply for retirement benefits within 6 months prior to his or her date of termination of employment. If a member terminates his or her employment and elects to defer his or her retirement to some future date, he or she may apply for deferred benefits up to 6 months prior to the date he or she desires his or her retirement to become effective.

Applications for retirement benefits may be obtained from the Division's website, <http://www.frs.MyFlorida.com>, or by calling the Division Toll Free at (844)377-1888, if calling from outside the Tallahassee calling area or locally at (850)907-6500. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. Applications are as follows:

(a) through (b) No change.

(c) Application for normal or early retirement for members of the Teachers' Retirement System as provided in Rules 60S-4.004 and ~~60S-4.005~~, F.A.C., respectively, shall be filed with the Division on Form TR-11, effective 07/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07341>, Teachers' Retirement System Application for Service Retirement, herein incorporated by reference.

(d) No change.

(e) Application for retirement benefits by a beneficiary of a deceased FRS Investment Plan Special Risk class member as provided in Rule 60S-4.008, F.A.C., shall be filed with the Division on Form FST-11B-IP, effective ~~effective 07/16~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07345>, Florida Retirement System Application of Investment Plan Beneficiary for ~~Special Risk~~ In-Line-of-Duty Benefits, herein incorporated by reference.

(f) No change.

(2) through (3) No change.

(4) The Division shall establish the member's effective retirement date as follows:

(a) For a FRS Pension Plan member who makes application for a normal or early retirement benefit as provided in Rule 60S-4.004 ~~or 60S-4.005~~, F.A.C. or for a State and County Officers' and Employees' Retirement System member who makes application for a normal or early retirement benefit as provided in Section 122.08, F.S., or for a Teachers' Retirement System member who makes application for a normal or early retirement benefit as provided in Section 238.07, F.S., the effective retirement date shall be the first day of the month following the month in which the member's termination occurs, provided the Division receives such member's application for retirement no later than 30 calendar days after such termination. If a member fails to apply for retirement within 30 calendar days after termination or if the member chooses to defer his or her retirement to a later date, the effective retirement date shall be the first day of the month following the month in which the Division receives the member's application, or the first day of a later month specified by the member. However, for a member who retires under the provisions of the Deferred Retirement Option Program as provided in Chapter 60S-11, F.A.C., the member's effective date of retirement shall be the DROP begin date as defined in subsection 60S-11.001(5), F.A.C.

(b) through (c) No change.

(5) No change.

Rulemaking Authority 121.031, 121.4501(8) FS. Law Implemented 112.65, 121.021, 121.091, 121.4501(16), 121.591(2) FS. History—New 11-14-91, Formerly 22B-4.0035, Amended 8-4-94, 12-12-96, 8-13-03, 4-5-12, 11-6-16,\_\_\_\_\_.

60S-4.008 Benefits Payable Upon Death.

(1) through (3) No change.

~~(4) If an FRS Pension Plan member is killed in the line of duty, except as provided in subsection (5) for certain Special Risk Class members, the following shall apply:~~

~~(a) For Pension Plan members except Special Risk Class members killed in the line of duty before July 1, 2013, regardless of the member's length of service, the surviving spouse may elect a benefit equal to one half of the member's monthly salary, excluding overtime and lump sum payments, at time of death for the spouse's lifetime; or if the member had completed ten or more years of creditable service, or eight or more years of creditable service as a member of the Elected Officers' Class, or seven or more years of creditable service as a member of the Senior Management Service Class the surviving spouse may elect to receive a benefit as provided in paragraph 60S-4.008(2)(b), F.A.C.~~

~~(b) If the surviving spouse is receiving a benefit as provided in paragraph 60S-4.008(4)(a), F.A.C., and dies, the benefits which would have been payable to the surviving spouse shall be paid for the use and benefit of such member's children under 18 years of age and unmarried until the eighteenth birthday of the member's youngest child.~~

~~(c) If the member had any children under 18 years of age at the time of his or her death, the surviving spouse shall not be permitted to receive a refund of the member's contributions in lieu of the benefits provided in paragraph 60S-4.008(4)(a), F.A.C.~~

~~(d) If the member leaves no surviving spouse but is survived by a child or children under 18 years of age, the benefit that would have been payable to a surviving spouse as provided in paragraph 60S-4.008(4)(a), F.A.C., shall be paid for the use and benefit of such member's children under 18 years of age and unmarried until the eighteenth birthday of the member's youngest child.~~

~~(e) The distribution of benefits as provided by this subsection shall supersede any other distribution that may have been provided for by the member's designation of beneficiaries.~~

~~(f) A member's surviving spouse whose benefit was terminated because of remarriage shall have the benefit reinstated beginning July 1, 1993, at an amount which would have been payable had the benefit not been terminated.~~

~~(5) If an FRS Pension Plan or Investment Plan Special Risk Class member is killed in the line of duty on or after July 1, 2013, the following shall apply to benefit payments beginning on or after July 1, 2016:~~

~~(a) Regardless of the member's length of service, the surviving spouse may elect a benefit equal to 100 percent of the member's monthly salary, excluding overtime and lump sum payments, at time of death for the spouse's lifetime.~~

~~(b) If the member had any children under 18 years of age at the time of his or her death, the surviving spouse shall not be permitted to receive a refund of the member's contributions in~~

~~lieu of the benefits provided in paragraph 60S 4.008(4)(a), F.A.C.~~

~~(c) If the surviving spouse is receiving a benefit as provided in paragraph 60S 4.008(5)(a), F.A.C., and dies, the benefits which would have been payable to the surviving spouse shall be paid for the use and benefit of such member's child or children until the member's youngest child reaches 18 years of age.~~

~~(d) If the member leaves no surviving spouse but is survived by a child or children under 18 years of age, the benefits shall be paid for the use and benefit of such member's child or children until the member's youngest child reaches 18 years of age.~~

~~(e) If the surviving child or children remains unmarried and a full time student, benefit may be paid after age 18 and until the youngest child reaches 25 years of age.~~

~~(f) The distribution of benefits as provided by this subsection shall supersede any other distribution that may have been provided for by the member's designated beneficiaries.~~

~~(6) through (8) renumbered (4) through (6) No change.~~

~~(9) Death shall be presumed to be in the line of duty for the following FRS members that satisfy the requirements of Section 112.18 or 112.181, F.S., unless the contrary is shown by competent evidence:~~

~~(a) A firefighter whose death that occurred on or after July 1, 1973, was caused by tuberculosis, heart disease, or hypertension,~~

~~(b) A state law enforcement officer whose death that occurred on or after June 18, 1999, was caused by tuberculosis, heart disease, or hypertension,~~

~~(c) A law enforcement officer whose death that occurred on or after July 1, 2002, was caused by tuberculosis, heart disease, or hypertension,~~

~~(d) A firefighter, paramedic, emergency medical technician, law enforcement officer or correctional officer whose death that occurred on or after May 23, 1996, was caused by hepatitis, meningococcal meningitis, or tuberculosis.~~

~~(7)(10) No change.~~

Rulemaking Authority 121.031 FS. Law Implemented ~~61.1301, 112.18, 112.181,~~ 121.021(14), ~~121.052(5),~~ 121.055, 121.091(7) FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 7-21-75, 8-26-81, Formerly 22B-4.08, Amended 2-6-84, 1-12-87, 2-7-89, 9-5-90, 5-15-91, 11-14-91, Formerly 22B-4.008, Amended 3-18-93, 1-25-94, 8-4-94, 12-12-96, 5-10-99, 8-13-03, 4-5-12, 1-20-14, 5-12-16, 12-18-16,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Elizabeth Stevens, Director  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 26, 2017

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-8.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth a range of penalties to be imposed for those physicians who are not in compliance with Section 381.986, Florida Statutes, in certifying patients for medical marijuana use.

SUMMARY: The proposed rule amendments set forth the appropriate penalties for physicians who are not in compliance with Section 381.986, F.S., when issuing patient certifications for medical marijuana.

**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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 381.986(4)(d), 456.50(2), 456.0575,

456.072, 456.079, 458.331(5) 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: Claudia Kemp, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
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(a) through (sss) No change.

	From	From
(ttt) <u>Issuing a physician certification, as defined in Section 381.986, F.S., in a manner out of compliance with the requirements of that section and the rules thereunder.</u> (Section 458.331(1)(uu), F.S.	<u>probation to revocation or denial of the license and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>suspension to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</u>

(3) through (7) No change.

Rulemaking Authority 456.079, 458.309, 458.331(5) FS. Law Implemented 381.986(4)(d), 456.50(2), 456.0575, 456.072, 456.079,

458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, 8-29-06, 11-22-06, 1-30-07, 2-18-09, 12-22-09, 7-27-10, 6-21-11, 12-27-11, 4-22-12, 5-28-12, 1-1-15, 11-9-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Joint Committee on Medical Marijuana

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 18, 2017

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.018  
 RULE TITLE: Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions.

PURPOSE AND EFFECT: The proposed new rule is intended to incorporate the Board’s medical marijuana consent form and the form for comparable medical conditions into the Board’s rule.

SUMMARY: The proposed new rule incorporates the mandatory informed consent form which must be utilized by qualified physicians who certify patients for medical marijuana. Additionally, the rule incorporates the form which must be utilized by qualified physicians who issue physician certifications for medical marijuana to patients with comparable medical conditions.

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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge

to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board 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: 381.986 FS.

LAW IMPLEMENTED: 381.986 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: Claudia Kemp, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.018 Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions.

(1) Pursuant to Section 381.986, F.S., the Board has approved form DOH-MQA-5026 (rev. 2/18), entitled "Medical Marijuana Consent Form," which is hereby incorporated by reference and available from the Board's website at <http://www.flboardofmedicine.gov/forms/medical-marijuana-consent-form.pdf>, as the mandatory standardized informed consent form that a qualified physician must use each time the qualified physician issues a certification for medical marijuana to a patient he or she has diagnosed with at least one qualifying medical condition.

(2) Pursuant to Section 381.986, F.S., qualified physicians who issue physician certifications for patients with medical conditions of the same kind or class as or comparable to: cancer; epilepsy; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; post-traumatic stress disorder; amyotrophic lateral sclerosis; Crohn's disease; Parkinson's disease; or multiple sclerosis, are required to submit form DOH-MQA-5027 (rev. 2/18), entitled "Documentation Required Under Section 381.986(4)(b), Florida Statutes," which is hereby incorporated by reference and available from the Board's website at <http://www.flboardofmedicine.gov/forms/statutorily-required-documentation.pdf>. Said form must be submitted within 14 days after issuing the physician certification.  
Rulemaking Authority 381.986 FS. Law Implemented 381.986 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joint Committee on Medical Marijuana

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 18, 2017

#### DEPARTMENT OF HEALTH

##### Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-14.013 Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions.

PURPOSE AND EFFECT: The proposed new rule is intended to incorporate the Board's medical marijuana consent form and the form for comparable medical conditions into the Board's rule.

SUMMARY: The proposed new rule incorporates the mandatory informed consent form which must be utilized by qualified physicians who certify patients for medical marijuana. Additionally, the rule incorporates the form which must be utilized by qualified physicians who issue physician certifications for medical marijuana to patients with comparable medical conditions.

#### 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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No



59A-17.101 Licensure

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

(a) An initial, renewal, or change of ownership applicant for licensure as a transitional living facility shall use the Health Care Licensing Application, Transitional Living Facility Facilities, AHCA Form 3110-9001, ~~January 2018~~ ~~March 2017~~, which is incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX04457>.

- (b) No change.

59A-17.118 Dietary and Nutrition Services.

- (1) No change.

(2) Meals provided by the licensee must be planned based on the current USDA Dietary Guidelines for Americans, 2015-2020, Eighth Edition, herein incorporated by reference and available at <http://flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> and the current daily US Dietary Reference Intakes established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences. Menus must be planned to offer clients a variety of food choices and to accommodate their religious, cultural and ethnic needs.

- (3) through (6) No change.

(7) Food must be served attractively at safe and palatable temperatures which is an appetizing temperature as determined by the type of food to ensure resident's satisfaction, while minimizing the risk for scalding and burns. All clients must be encouraged to eat at tables in the dining areas. A supply of eating ware sufficient for all clients must be on hand, including adaptive equipment if needed by any client.

- (8) through (11) No change.

59A-17.119 Physical Plant Standards.

No change.

**Section IV  
Emergency Rules**

NONE

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-57.014 Crossing Management of Department - Owned Active and Inactive Rail Corridors

NOTICE IS HEREBY GIVEN that on February 28, 2018, the Department of Transportation, received a petition for a variance from subsection 14-57.014(3), F.A.C., which restricts new crossings over Department-owned active rail corridors. The request seeks a rail crossing at milepost 965 of the South Florida Rail Corridor (Mission Spur) to provide employee access to a proposed layover facility.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458, [FDOT.AgencyClerk@dot.state.fl.us](mailto:FDOT.AgencyClerk@dot.state.fl.us).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Professional Engineers

NOTICE IS HEREBY GIVEN that on February 26, 2018, the Board of Professional Engineers received a petition for permanent variance filed by Jack Erdozain, P.E., regarding the requirements of paragraph 61G15-35.003(1)(b), F.A.C., which requires application for certification as a Special Inspector whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on threshold buildings and two (2) years of experience in the structural design of threshold buildings. Comments on this petition should be filed with the Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Zana Raybon, Executive Director, at the above address, (850)521-0050 or [zraybon@fbpe.org](mailto:zraybon@fbpe.org).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Professional Engineers

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on November 30, 2017, by Marc E. Rader, P.E. The Notice of Petition for Variance or Waiver was published December 12, 2017 in Vol. 43, No. 242 of the Florida Administrative Register. Petitioner sought a waiver of subsection 61G15-20.002(1), F.A.C., and licensure as a Florida Professional Engineer by Endorsement. The Board considered the Petition at a duly-noticed public meeting held on February 1, 2018, in Orlando, Florida. The Board's Order, filed on February 23, 2018, granted the Petition for waiver finding the applicant met the purpose of the underlying statute based upon his demonstration of approximately sixteen years of credible engineering experience demonstrating Petitioner's fitness to be placed in responsible charge of engineering. Further, the Board finds Petitioner has demonstrated compliance with the rule would pose an undue hardship on Petitioner and would violate



principles of fairness, due to the Petitioner’s effort to meet Florida’s statutory requirements for licensure, including earning an additional Bachelor’s degree.

A copy of the Order or additional information may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, (850)521-0050, zraybon@fbpe.org.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

The Board of Professional Engineers hereby gives notice: of the issuance of an Order regarding the Petition for Variance or Waiver, filed on October 20, 2017, by Sangyul Cho. The Notice of Petition for Variance or Waiver was published November 13, 2017 in Vol. 43, No. 219 of the Florida Administrative Register. Petitioner sought a variance from or a waiver of paragraph 61G15-20.007(1)(a), F.A.C.’s requirement that applicants for licensure without EAC/ABET accredited degrees possess required hours of coursework in specified areas. The Board considered the Petition at a duly-noticed public meeting held on February 1, 2018, in Orlando, Florida. The Board’s Order, filed on February 23, 2018, granted the petition, finding the petition was in substantial compliance with the provisions of Section 120.542, F.S., and Chapter 28-104, F.A.C. Petitioner has met the purpose of the underlining statute based upon his earning of Masters and Doctorate degrees and his thesis work on hydrology and costal bridge structural design. Further, the Board finds application of the Rule to Petitioner would violate principles of fairness, as Petitioner has advanced educational degrees and Petitioner’s practice of engineering requires extensive use of chemical properties of materials.

A copy of the Order or additional information may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, (850)521-0050, zraybon@fbpe.org.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Beaches and Coastal Systems**

**RULE NO.: RULE TITLE:**

62B-33.008 Application Requirements and Procedures for Areawide and Individual Permits

The Department of Environmental Protection hereby gives notice that on February 7, 2018, the Department issued a Final Order, granting Texas Hold’em, LLC and Squeeze Me Inn, LLC’s, amended Petition for Waiver. The original Petition was received on August 11, 2017, and an amended Petition was received on November 14, 2017. Notice of Receipt of the original Petition was published in the Florida Administrative

Register on September 7, 2017. Notice of Receipt of the amended Petition was published in the Florida Administrative Register on December 1, 2017. The amended petition requested a waiver from the timing requirements for certain documentation to be submitted with an application for a Coastal Construction Control Line (CCCL) permit, in this case to allow a shared dune walkover structure at single-family homes on Little Estero Island. Specifically, Petitioners requested a waiver from paragraphs 62B-33.008(3)(c) and (d), F.A.C., which require that applicants provide: (1) written evidence from the appropriate local governmental entity having jurisdiction over the activity, that the proposed activity, as submitted to the Department does not contravene local setback requirements or zoning codes, and (2) sufficient evidence of ownership of the lands on which the activity to be conducted, with their permit application. No public comments were received in response to the notice of the amended petition; however, comments objecting to issuance of the permit were previously received from Brad Cornell, SW Florida Policy Associate, Audubon of Western Everglades/Audubon Florida/Florida Audubon Society in response to the notice of the original petition. The Order, file number LE -1567 V, OGC #17-0959, granted the Petitioners a waiver from paragraphs 62B-33.008(3)(c) and (d), F.A.C., based on a demonstration by the Petitioners of a legal hardship in obtaining both the “written evidence of local approval” and “sufficient evidence of ownership” prior to issuance of any CCCL permit, and a demonstration that the underlying purpose of the statutes will be met by waiving the timing requirements for the documentation specified in paragraphs 62B-33.008(3)(c) and (d), F.A.C., by imposition of special conditions in any issued CCCL permit that would require this documentation be provided to the Department before work could begin.

A copy of the Order or additional information may be obtained by contacting: Avery Lehmann, Department of Environmental Protection, MS 3522, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-8486 or by email at cccl@dep.state.fl.us, during normal business hours, 8:00 a.m. – 5:00 p.m. Monday through Friday, except legal holidays.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

**RULE NO.: RULE TITLE:**

64B16-28.141 Requirements for an Automated Pharmacy System in a Community Pharmacy

NOTICE IS HEREBY GIVEN that on February 28, 2018, the Board of Pharmacy received a petition for variance or waiver filed by Orlando Health Scripts Pharmacy, seeking a waiver of the requirement of subsection 64B16-28.141(1), F.A.C., which defines an “Automated pharmacy system” as a mechanical

system, located within or adjacent to the prescription department, that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

A copy of the Petition for Variance or Waiver may be obtained by contacting: C. Erica White, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254, or at [info@Floridaspharmacy.gov](mailto:info@Floridaspharmacy.gov). Comments on this petition should be filed with the Board of Pharmacy/MQA, within 14 days of publication of this notice.

## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, March 7, 2018, 1:00 p.m. – 4:00 p.m.: 1:00 p.m. – 2:00 p.m., Awareness and Prevention; 2:00 p.m. – 3:00 p.m., Response and Recovery; 3:00 p.m. – 4:00 p.m., Communication and Technology

PLACE: Conference call toll-free: 1(877)739-5902; +1(786)535-3119; access code: 780-954-261; meeting link: <https://global.gotomeeting.com/join/780954261>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conference call will convene the committees of the MEPIC Advisory Board to discuss ongoing projects and initiatives.

A copy of the agenda may be obtained by contacting: Craig Schroeder at 1(888)356-4774.

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: Craig Schroeder at 1(888)356-4774. 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: Craig Schroeder at 1(888)356-4774.

#### EXECUTIVE OFFICE OF THE GOVERNOR

The Constitution Revision Commission announces a hearing to which all persons are invited.

DATE AND TIME: March 5, 2018, 1:00 p.m. – 7:00 p.m.

PLACE: The Westin, Tarpon Point Ballroom, 5951 Silver King Boulevard, Cape Coral, FL 33914

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Constitution Revision Commission (CRC) has issued an open invitation to interested Floridians to attend a public hearing and

provide their feedback on proposed constitutional amendments that may be placed on Florida’s 2018 General Election Ballot for voter consideration.

A copy of the agenda may be obtained at <http://flcrc.gov/Meetings/PublicHearings>.

For more information, you may contact: CRC Main Office, [admin@flcrc.gov](mailto:admin@flcrc.gov), (850)717-9550.

#### REGIONAL PLANNING COUNCILS

##### Central Florida Regional Planning Council

The Heartland Regional Transportation Planning Organization (HRTPO) announces a public meeting to which all persons are invited.

DATE AND TIME: March 21, 2018, 10:00 a.m.

PLACE: CareerSource Heartland, 5901 US Hwy 27 South, Suite #1, Sebring, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Heartland Regional Transportation Planning Organization (HRTPO) Technical Advisory Committee (TAC).

A copy of the agenda may be obtained by contacting: Marybeth Soderstrom, Mobility and Community Engagement Manager, (863)534-7130, ext. 134, [msoderstrom@cfrpc.org](mailto:msoderstrom@cfrpc.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 3 days before the workshop/meeting by contacting: Marybeth Soderstrom, Mobility and Community Engagement Manager, (863)534-7130, ext. 134, [msoderstrom@cfrpc.org](mailto:msoderstrom@cfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

#### REGIONAL UTILITY AUTHORITIES

##### Tampa Bay Water - A Regional Water Supply Authority

Tampa Bay Water, A Regional Water Supply Authority, announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 19, 2018, 10:00 a.m.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Meeting.

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

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: Records Department, (727)796-2355. 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: Records Department, (727)796-2355.

DEPARTMENT OF HEALTH

RULE NOS.:RULE TITLES:

64-4.003Renewal Application Requirements for Medical Marijuana Treatment Centers

64-4.008Disciplinary Guidelines and Fines

64-4.017Medical Marijuana Treatment Center Dispensing Facility Allocation

64-4.018Medical Marijuana Treatment Center Change of Ownership Application

64-4.019Medical Marijuana Treatment Center Personnel and Caregiver Background Screenings

64-4.023Medical Marijuana Treatment Center Variance Procedure

The Department of Health announces a workshop to which all persons are invited.

DATE AND TIME: April 6, 2018, 9:00 a.m. – 12:00 Noon (ET) or until the conclusion of the hearing, whichever occurs first

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 148, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

These public workshops will address the Department of Health’s Notices of Rule Development for 64-4.003: Renewal Application Requirements for Medical Marijuana Treatment Centers, 64-4.008: Disciplinary Guidelines and Fines, 64-4.017: Medical Marijuana Treatment Center Dispensing Facility Allocation, 64-4.018: Medical Marijuana Treatment Center Change of Ownership Applications, 64-4.019: Medical Marijuana Treatment Center Personnel and Caregiver Background Screenings, and 64-4.023: Medical Marijuana Treatment Center Variance Procedure.

A copy of the agenda may be obtained by contacting: Courtney Coppola at Courtney.Coppola@flhealth.gov. A copy of the agenda will be available no later than one week prior to the hearing.

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: Courtney Coppola at Courtney.Coppola@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

RULE NOS.:RULE TITLES:

64-4.020Low-THC and Medical Marijuana Packaging and Labeling

64-4.021Low-THC and Medical Marijuana Solvent Based Extraction and Related Products

64-4.022Medical Marijuana Treatment Center Advertising and Signage

64-4.024Medical Marijuana Treatment Center Waste Management

The Department of Health announces a workshop to which all persons are invited.

DATE AND TIME: April 13, 2018, 9:00 a.m. – 12:00 Noon (ET) or until the conclusion of the hearing, whichever occurs first

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 148, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

These public workshops will address the Department of Health’s Notices of Rule Development for 64-4.020: Low-THC and Medical Marijuana Packaging and Labeling, 64-4.021: Low-THC and Medical Marijuana Packaging Solvent Based Extraction and Related Products, 64-4.022: Medical Marijuana Treatment Center Advertising and Signage, and 64-4.024: Medical Marijuana Treatment Center Waste Management.

A copy of the agenda may be obtained by contacting: Courtney Coppola at Courtney.Coppola@flhealth.gov. A copy of the agenda will be available no later than one week prior to the hearing.

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:

Courtney Coppola at Courtney.Coppola@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

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

The Department of Health announces a workshop to which all persons are invited.

DATE AND TIME: May 23, 2018, 1:00 p.m., ET

PLACE: Rosen Plaza, 9700 International Drive, Orlando, Florida, 32819, (407)996-9700

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Mobility and telehealth.

A copy of the agenda may be obtained at [www.floridasmentalhealthprofessions.gov](http://www.floridasmentalhealthprofessions.gov). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: the Board Office by phone to (850)245-4474 at least one week prior to the meeting.

**DEPARTMENT OF HEALTH**

Board of Nursing

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

DATE AND TIME: March 23, 2018, 3:30 p.m.

PLACE: Telephone conference toll-free number: 1(888)670-3525, participant code: 2681213003

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained at <http://floridasnursing.gov/meeting-information/>.

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

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

**DEPARTMENT OF HEALTH**

Board of Nursing

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

DATE AND TIME: April 9, 2018, 10:30 a.m.

PLACE: Telephone conference toll-free number: 1(888)670-3525, participant code: 9908086106

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained at <http://floridasnursing.gov/meeting-information/>.

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

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

**DEPARTMENT OF HEALTH**

Division of Children’s Medical Services

The Circuit 15 Child Abuse Death Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Fourth Thursday of every month, 9:00 a.m. – 12:00 Noon

PLACE: Florida Dept. of Health Palm Beach County, 800 Clematis Street, Room 2200, West Palm Beach, FL 33401

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee will address administrative issues, review cases, and discuss the CADR Action Plan. A portion of the meeting is required by Section 383.412(3)(a), F.S. to be closed to the public to allow the Committee to discuss information that is confidential and exempt from public meetings and public records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: Sharon Greene, [sharon.greene@flhealth.gov](mailto:sharon.greene@flhealth.gov), (561)671-4081.

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: Sharon Greene. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

Division of Children’s Medical Services

The Circuit 14 Child Abuse Death Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Second Thursday of each month, 9:00 a.m. – 9:30 a.m., CT (open to public), 9:30 a.m. – 12:00 Noon, CT (closed meeting)

PLACE: Gulf Coast Children's Advocacy Center, 210 East 11th Street, Panama City, FL 32401

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee will address administrative issues, review cases, and discuss the CADR Action Plan. A portion of the meeting is required by Section 383.412(3)(a), F.S. to be closed to the

public to allow the Committee to discuss information that is confidential and exempt from public meetings and public records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: Christi Bazemore, Christi.Bazemore@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Christi Bazemore. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

Division of Children’s Medical Services

The Circuit 13 Child Abuse Death Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Second Wednesday of each month (April-December 2018), 1:00 p.m. – 5:00 p.m.

PLACE: Mary Lee House, 2806 N. Armenia Avenue, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address administrative issues, review cases, and discuss the CADR Action Plan. A portion of the meeting is required by Section 383.412(3)(a), F.S. to be closed to the public to allow the Committee to discuss information that is confidential and exempt from public meetings and public records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: Alice Horton at Alice.Horton@flhealth.gov or (813)307-8015, ext. 6626.

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: Alice Horton. 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**

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

DATE AND TIME: April 6, 2018, 4:00 p.m.

PLACE: Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reply Opening and Review of Mandatory Requirements for ITN# 20181801MCARE, Invitation to Negotiate Medicare Billing, Reporting, Consulting and Auditing Services.

A copy of the agenda may be obtained by contacting: Ricky Goodman, Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Ricky Goodman, Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063. 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: Ricky Goodman, Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063.

**DEPARTMENT OF CHILDREN AND FAMILIES**

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

DATE AND TIME: April 13, 2018, 10:00 a.m.

PLACE: Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063

GENERAL SUBJECT MATTER TO BE CONSIDERED: Debriefing Meeting of the Evaluators and ranking of the replies for ITN#20181801MCARE, Invitation to Negotiate Medicare Billing, Reporting, Consulting, and Auditing Services.

A copy of the agenda may be obtained by contacting: Ricky Goodman, Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Ricky Goodman, Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063. 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: Ricky Goodman, Northeast Florida State Hospital, 7487 S SR121, MacClenny, FL 32063.

FISH AND WILDLIFE CONSERVATION COMMISSION  
 Freshwater Fish and Wildlife  
 RULE NOS.:RULE TITLES:  
 68A-12.010 Regulations Governing the Operation of Private Hunting Preserves  
 68A-12.011 Regulations Governing the Establishment and Operation of Game Farms  
 The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.  
 DATE AND TIME: Wednesday, April 4, 2018, 5:00 p.m. – 8:00 p.m., ET  
 PLACE: Hampton Inn & Suites Lakeland South-Polk Parkway, 3630 Lakeland Village Blvd., Lakeland, FL 33803  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is considering amendments to the captive wildlife regulations regarding game farms and hunt preserves. The meeting is to provide the public an opportunity to provide feedback on current game farm and hunt preserve regulations. The main topics for discussion will be fencing, administration and animal welfare.  
 A copy of the agenda may be obtained by contacting: Clint Deskins, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253.

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: Major Rob Beaton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, Rob.Beaton@myfwc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 For more information, you may contact: Major Rob Beaton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, Rob.Beaton@myfwc.com.

FISH AND WILDLIFE CONSERVATION COMMISSION  
 Freshwater Fish and Wildlife  
 RULE NOS.:RULE TITLES:  
 68A-12.010 Regulations Governing the Operation of Private Hunting Preserves  
 68A-12.011 Regulations Governing the Establishment and Operation of Game Farms  
 The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.  
 DATE AND TIME: Thursday, March 29, 2018, 5:00 p.m. – 8:00 p.m., ET  
 PLACE: Florida Fish and Wildlife Conservation Commission Bryant Building 620 South Meridian Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is considering amendments to the captive wildlife regulations regarding game farms and hunt preserves. The meeting is to provide the public an opportunity to provide feedback on current game farm and hunt preserve regulations. The main topics for discussion will be fencing, administration and animal welfare.

A copy of the agenda may be obtained by contacting: Clint Deskins, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253.

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: Major Rob Beaton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, Rob.Beaton@myfwc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 For more information, you may contact: Major Rob Beaton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, Rob.Beaton@myfwc.com.

FLORIDA WATEREUSE ASSOCIATION  
 The Potable Reuse Commission announces a public meeting to which all persons are invited.  
 DATE AND TIME: March 16, 2018, 9:30 a.m.  
 PLACE: Toho Water Authority, 951 MLK Jr. Blvd., Kissimmee, FL 34741  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Florida regulations that pertain to water and wastewater.

A copy of the agenda may be obtained by contacting: Atracy@hydrosc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Atracy@hydrosc.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).

ENTERPRISE FLORIDA, INC.  
 The Enterprise Florida, Inc. announces a public meeting to which all persons are invited.  
 DATES AND TIMES: March 14, 2018, 9:00 a.m.; March 15, 2018, 9:00 a.m.  
 PLACE: Embassy Suites West Palm Beach Central, 1601 Belvedere Road, West Palm Beach, FL 33406  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Meeting. Ongoing issues, developing issues and other matters will be discussed.

A copy of the agenda may be obtained by contacting: Mike Grissom at (850)298-6630.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Mike Grissom at (850)298-6630. 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).

**MRGMIAMI**

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

DATE AND TIME: Wednesday, March 14, 2018, 5:30 p.m.

PLACE: Spanish River Library, 1501 Spanish River Boulevard, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FDOT District Four will be hosting a Public Information Workshop for the 95 Express Phase 3B-2 Project, which will provide two tolled express lanes in each direction from Glades Road to Linton Boulevard in Palm Beach County. The workshop will begin with an open house format and staff will be available to answer questions and provide assistance. A presentation will follow at 6:00 p.m.

A copy of the agenda may be obtained by contacting: Ms. Vanita Saini, P.E., Project Manager, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4468, toll-free: 1(800)336-8435, ext. 4468, Vanita.Saini@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ms. Vanita Saini, P.E., Project Manager, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4468, toll-free: 1(800)336-8435, ext. 4468, Vanita.Saini@dot.state.fl.us. Any persons who require translation services (free of charge) should also contact: Ms. Vanita Saini, P.E. at least seven (7) days before the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Vanita Saini, P.E., Project Manager, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4468, toll-free: 1(800)336-8435, ext. 4468, Vanita.Saini@dot.state.fl.us

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-602.204 Searches of Inmates

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from Edward Wilson, DC# 079099. The petition seeks the agency’s opinion as to the applicability of 33-602.204, F.A.C, as it applies to the petitioner.

The petition seeks “clarification of [the] rule governing strip-searching of the inmates housed at Okeechobee Work Camp, and other institutions within the Florida Department of Corrections.” Persons whose substantial interests may be affected by a declaratory statement issued in this matter may file a motion to intervene or a petition for administrative hearing within twenty-one (21) days after the publication of this notice.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has received the petition for declaratory statement from Braxton L. Bowen, Jr., Esq., on behalf of Palmetto Building and Consulting, Inc., on February 14, 2018. The petition seeks the agency’s opinion as to the applicability of Section 489.105(3)(n), F.S., as it applies to the petitioner.

Petitioner seeks a determination from the Board regarding whether a licensed General Contractor can provide the services of a Marine Specialty 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, (850)487-1395, email: Donald.Shaw@myfloridalicense.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION  
 Florida Atlantic University  
 FAU BT609 - Cooling Tower Replacement - Construction Management Services  
 NOTICE TO CONSTRUCTION MANAGERS  
 BT-609  
 FAU COOLING TOWERS REPLACEMENT  
 BOCA RATON CAMPUS  
 Florida Atlantic University, on behalf of its Board of Trustees, announces that Construction Management (CM) services will be required for the project listed below:  
 Project No.: BT-609  
 Project Name: COOLING TOWERS REPLACEMENT  
 Located on Florida Atlantic University's Boca Raton Campus. The project consists of removal and replacement of existing

cooling towers, construction of a common pump house and installation of a common water supply manifold with variable speed pumps while maintaining chilled water service to the campus throughout the project. The total Construction Budget is estimated at approximately \$2,700,000.

The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalist may request a copy of the standard Florida Atlantic University Agreement between Owner and Construction Management by contacting the University's Sole Point of Contact for this project, Ms. Helen Kennedy, Facilities Management Administrative Services Manager, telephone (561)297-2663 or email: [hkenned2@fau.edu](mailto:hkenned2@fau.edu). A copy of the facilities program is available on the Facilities Management website at: <http://www.fau.edu/facilities/avp/AE-CM-advertise-home.php>.

From the date of issuance of this Notice until a final selection of a Construction Manager is made or a notice of cancellation is posted, the Construction Manager must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein. Any individual associated with a Construction Manager who contacts members of the Selection Committee, regarding any aspect of this project, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process,



participating Construction Manager's will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of FAU and that interpretation shall be final.

Any material submitted in response to this Notice will become a public document pursuant to Section 119.07, F.S. this includes materials that the responding proposer might consider to be confidential or a trade secret. Any claim of confidentiality is waived upon submission, effective after opening pursuant to Section 119.07, F.S.

All postings referred to in this Notice will be posted electronically on the FAU Facilities website: <http://www.fau.edu/facilities/avp/AE-CM-advertise-home.php>. At all times it shall remain the responsibility of the Construction Manager participating in this solicitation to check the website for postings of addenda, short lists, and award decisions. No further notice will be given.

The Selection Committee may reject all proposals and stop the selection process at anytime. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed "Florida Atlantic University Construction Manager Qualification Supplement" (FAUCMPQS Revised January 2004). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$35,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Five (5) bound sets and one (1) electronic copy of the required data shall be submitted to: Design & Construction Services, Florida Atlantic University, 777 Glades Road, Campus Building Operations, Bldg. #69, Room 111, Boca Raton, Florida 33431 by 4:00 p.m. local time on Tuesday, April 3, 2018. Facsimile (FAX) submittals are not acceptable and will NOT be considered.

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#### DEPARTMENT OF EDUCATION

Florida Atlantic University

FAU BT631 - Jupiter STEM/Life Sciences Bldg. - Construction Management Services

#### NOTICE TO CONSTRUCTION MANAGERS

BT-631

#### JUPITER STEM/LIFE SCIENCES BUILDING

JOHN D. MACARTHUR Campus

Florida Atlantic University, on behalf of its Board of Trustees, announces that Construction Management (CM) services will be required for the project listed below:

Project No.: BT-631

Project Name: Jupiter STEM/Life Sciences Building

Located on Florida Atlantic University's John D. MacArthur Campus at Jupiter. The Jupiter STEM/Life Sciences Building consists of site development and construction of a state-of-the-art research building at approximately 60,000 GSF consisting of research labs, offices, teaching labs, classrooms and study space; and renovation of approximately 5,000 GSF of animal care facility in the existing MC17 building at Jupiter. This facility is to be constructed to a minimum LEED silver or equivalent standard. The total Construction Budget is estimated at \$26 million.

The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost

estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalist may request a copy of the standard Florida Atlantic University Agreement between Owner and Construction Management by contacting the University's Sole Point of Contact for this project, Ms. Helen Kennedy, Facilities Management Administrative Services Manager, telephone (561)297-2663 or email: [hkenned2@fau.edu](mailto:hkenned2@fau.edu). A copy of the facilities program is available on the Facilities Management website at: <http://www.fau.edu/facilities/avp/AE-CM-advertise-home.php>.

From the date of issuance of this Notice until a final selection of a Construction Manager is made or a notice of cancellation is posted, the Construction Manager must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein. Any individual associated with a Construction Manager who contacts members of the Selection Committee, regarding any aspect of this project, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process, participating Construction Manager's will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of FAU and that interpretation shall be final.

Any material submitted in response to this Notice will become a public document pursuant to Section 119.07, F.S. this includes materials that the responding proposer might consider to be confidential or a trade secret. Any claim of confidentiality is waived upon submission, effective after opening pursuant to Section 119.07, F.S.

All postings referred to in this Notice will be posted electronically on the FAU Facilities website: <http://www.fau.edu/facilities/avp/AE-CM-advertise-home.php>. At all times it shall remain the responsibility of the Construction Manager participating in this solicitation to check the website for postings of addenda, short lists, and award decisions. No further notice will be given.

The Selection Committee may reject all proposals and stop the selection process at anytime. The Construction Manager shall

have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed "Florida Atlantic University Construction Manager Qualification Supplement" (FAUCMPQS Revised January 2004). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$35,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) bound sets and one (1) electronic copy of the required data shall be submitted to: Design & Construction Services, Florida Atlantic University, 777 Glades Road, Campus Building Operations, Bldg. #69, Room 111, Boca Raton, Florida 33431 by 4:00 p.m. local time on Tuesday, April 10, 2018. Facsimile (FAX) submittals are not acceptable and will NOT be considered.

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REGIONAL PLANNING COUNCILS  
 West Florida Regional Planning Council  
 NOTICE TO PROFESSIONAL CONSULTANTS REQUEST  
 FOR LETTERS OF INTEREST FLORIDA-ALABAMA TPO  
 OKALOOSA-WALTON TPO BAY COUNTY TPO  
 REQUEST FOR LETTERS OF INTEREST  
 FLORIDA-ALABAMA TRANSPORTATION PLANNING  
 ORGANIZATION  
 OKALOOSA-WALTON TRANSPORTATION PLANNING  
 ORGANIZATION  
 BAY COUNTY TRANSPORTATION PLANNING  
 ORGANIZATION  
 REQUEST FOR LETTERS OF INTEREST  
 NOTICE TO PROFESSIONAL CONSULTANTS  
 The Florida-Alabama Transportation Planning Organization  
 (FL-AL TPO), the Okaloosa-Walton Transportation Planning  
 Organization (O-W TPO), and the Bay County Transportation

Planning Organization (BC TPO) [FL-AL TPO, O-W TPO, and BC TPO are referred to separately as “TPO” and collectively as “the TPOs”], in cooperation with the Florida Department of Transportation (FDOT) and the Alabama Department of Transportation (ALDOT), and the West Florida Regional Planning Council (WFRPC) request that qualified consultants submit Proposals for consideration in the competitive selection of professional transportation planning services on the following project:

**PROJECT: GENERAL PLANNING CONSULTANTS (GPC)**

It is the intent for the TPOs to retain the services of one or more Consultants to provide support to one or more of the TPOs for the transportation planning activities set forth in the Unified Planning Work Programs (UPWPs). The Code of Federal Regulations defines a UPWP as “...a statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, timeframes for completing the work, the cost of the work, and the source(s) of funds.” [23 CFR 450.104]. The proposed length of the agreement is three (3) years, with the option of two (2) one-year extensions, to be exercised at the sole discretion of the West Florida Regional Planning Council’s Executive Director. The work involves providing assistance to the TPO staff on a work assignment basis in a variety of technical, graphical, public involvement, and product review activities. The Consultants shall assist the TPO staff by providing additional resources as needed to accomplish assignments authorized by the TPO. Consideration will be given to only those firms that have been prequalified by the FDOT to perform the following MAJOR Type(s) of Work.

**MAJOR TYPE OF WORK:**

- 13.3 Policy Planning
- 13.4 Systems Planning
- 13.5 Subarea/Corridor Planning
- 13.6 Land Planning/Engineering
- 13.7 Transportation Statistics

**SCOPE OF SERVICES**

This section, Scope of Services, outlines tasks that may be assigned to the Consultants under a general planning consultant agreement. The Consultants may be asked to complete tasks from the FL-AL TPO UPWP, the O-W TPO UPWP, and the BC TPO UPWP, and these tasks are described broadly as follows:

A. **Public Participation Process (PPP):** The Consultants may assist the TPOs to educate and inform the public about the urban transportation planning process; devise methods to increase the public’s awareness of how transportation systems are planned and constructed; and increase interest and participation in

transportation planning projects. Consultants will encourage participation in the transportation planning process from as many sectors as possible, with specific attention to low-income groups, the elderly, physically disadvantaged, and minorities.

B. **Regional Coordination:** Consultants will encourage that agencies at federal, state, and local levels engage in regional coordination of transportation plans. The agencies include the Association of MPOs (AMPO), National Association of Regional Councils (NARC), Federal Transit Administration (FTA), Federal Highway Administration (FHWA), Florida Department of Transportation (FDOT), Florida MPO Advisory Council (MPOAC), Florida Transportation Commission (FTC), Florida State Legislature (House and Senate), and West Florida Regional Planning Council (WFRPC). The 2000 Census drew boundaries of urbanized areas that overlap political and traditional transportation planning areas, creating continuous urbanized areas. Regional planning has been a federal and state planning emphasis area (PEA) and is a requirement for the State Transportation Regional Incentive Program (TRIP). The Consultants may assist the TPOs with regional planning activities.

C. **Long Range Transportation Planning:** As required in 23 Code of Federal Regulations 450.324 (d), Consultant teams will prepare long range transportation plans (LRTPs) to be reviewed and updated at least every four (4) years in air quality non-attainment areas and at least every five (5) years in air quality attainment areas. The LRTP’s validity and consistency with current and forecasted transportation and land use conditions and trends will be reviewed and the horizon year will be extended.

D. **Transportation System Management (TSM) and Congestion Management Process (CMP) Planning:** The Consultants may assist the TPOs to identify projects that can be implemented quickly and are generally low cost operational improvements to the transportation system. Examples of TSM projects include adding turn lanes at intersections, updating traffic signals, modifying median openings, and making other operational improvements. CMP planning is required of TPOs to reduce traffic congestion in the TPO Planning Area. This includes an analysis of selected congested segments, and a comprehensive set of strategies to manage that congestion. The CMP rates the performance of transportation facilities (roadways, bike lanes, sidewalks, and transit services) and suggests low-cost, short-term strategies to alleviate congestion.

E. **Intelligent Transportation Systems (ITS) Planning:** The purpose of ITS Planning is to achieve the efficient operation of existing transportation facilities through the use of advanced information and communications technologies. Consultant resources may be utilized to assist the TPOs and advisory committees in developing and implementing ITS strategies

affecting various travel modes.

F. Freight Planning: The Consultants may assist the TPOs in updating the Regional Freight Plan. The purpose of freight planning is to identify the primary categories of goods being transported, evaluate the efficiency of their movement and identify improvements to the freight network. These improvements will be considered for inclusion in the TPO's priorities, FDOT's Work Program, and the Transportation Improvement Program(s) (TIP). Freight stakeholders will be included in the TPO planning process.

G. Public Transportation Planning: The Consultants may assist the TPOs with public transportation planning activities that address short-term and long-term public transportation needs in the urbanized areas, assist with design and project management for rebuilding a public transportation facility in the Panama City urbanized area, assist with Transit Development Plan updates, and support the Transportation Disadvantaged Program.

H. Bicycle/Pedestrian Planning: The Consultants may assist the TPOs to improve personal mobility by returning to principles of pedestrian and bicycle-friendly communities, otherwise known as 'livable communities', and to meet the goals of the Fixing America's Surface Transportation Act (FAST Act) to provide and promote modal choices. This task emphasizes considerations for pedestrians and bicyclists in all transportation planning and construction projects.

I. Air Quality Planning: The Consultants may assist the TPOs in maintaining transportation conformity as defined by the U.S. Environmental Protection Agency (EPA) transportation conformity regulations (40 CFR Part 93, Subpart A), specifically with the Long Range Transportation Plans (LRTPs), Transportation Improvement Programs (TIPs), and any plans in which project identification numbers, project descriptions, funding types, and funding amounts are included. This task focuses on attainment with the national ambient air quality standard (NAAQS) for ground-level ozone and/or particulate matter 2.5.

J. Corridor Management Planning: The Consultants may assist the TPOs in developing corridor management plans for arterial corridors. The TPOs will work with local governments to promote corridor management planning and the Consultants may assist the TPOs with plans to implement improvements as programmed in the 2040 Long Range Transportation Plan and previously adopted Corridor Management Plans.

K. Miscellaneous Technical Studies: The activities associated with this task are included in the individual TPO Unified Planning Work Program as studies that are undertaken as the result of a special need identified during the course of carrying out the metropolitan planning program process. Illustrative tasks may include special trip generation studies, technical support to other transportation agencies, and review and analysis of other planning studies. An example completed under

a previous agreement is the Feasibility Study of Advance Funding of Transportation Capacity Projects.

L. Transit Operations Planning: Consultants may be used to assist the TPOs with transit operations planning activities, including assistance with transit corridor planning studies, development of service plans for new transit corridors and under-performing routes, route analysis, assistance with promotional and public involvement activities, and implementation of transit-friendly design standards.

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.055(4), *Florida Statutes* (FS), and must be determined by the TPOs and the FDOT as qualified to do business in Florida and qualified to perform the advertised work requirements. The above project falls into the selection process so indicated in Chapter 14-75, Florida Administrative Code (FAC) wherein at least three (3) firms will be requested to submit technical proposals. The contract fee will be negotiated in accordance with Section 287.055 (FS).

Lobbying of TPO Members, TPO Advisory Committee Members and TPO Staff regarding this Request for Letters of Interest by any member of a Proposer's staff, or those people who are members of, or employed by, any legal entity affiliated with an organization that is responding to the Request for Letters of Interest, is strictly prohibited. Such actions may cause your proposal, or the proposal you are supporting, to be rejected.

SUBCONSULTANT OPPORTUNITY: Subconsultants that are not pre-qualified by FDOT shall be subject to compensation restrictions as specified in Chapter 14-75, FAC. Any such subconsultant utilized must be technically qualified by FDOT before work may commence.

NOTIFICATION OF CRIME CONVICTION: Each applicant shall notify FDOT within 30 days after a conviction of a contract crime applicable to it or any officer, director, executive, shareholder active in management, employee, or agent of its affiliates. "The term 'contract crime' means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract." (Section 337.165 (1)(c), FS, under Section 337.164 (FS)., the privilege of conducting business with FDOT shall be denied to applicants so convicted until such applicant is properly reinstated pursuant to Section 337.165, F.S., and Chapter 14-75, FAC.

FEDERAL DEBARMENT: By signing and submitting a Letter of Interest, the consultant certifies that no principal (which includes officers, directors, and executives) is presently debarred, suspended, proposed for debarment, or declared ineligible or voluntarily excluded from participation in this engagement by any federal department or agency.

**EQUAL OPPORTUNITY AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAM STATEMENT:** The TPOs do not discriminate on any basis, as required by 49 USC 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity), Title VI of the Civil Rights Act of 1964 as amended, 42 USC 2000d to 2000d-4, and Title 49 CFR, Part 21. The TPOs ensure, in accordance with 49 CFR Part 26, that certified FDOT Disadvantaged Business Enterprise Program (DBE) participants have an equal opportunity to receive and participate in FDOT assisted contracts.

**TO RESPOND:** Firms, pre-qualified to conduct business in the State of Florida by the FDOT, are asked to submit fifteen paper copies and one electronic copy (either on a flash drive included in the submission or via email to [jill.lavender@wfrpc.org](mailto:jill.lavender@wfrpc.org)) of the Letter of Interest to the WFRPC office by 4:30 p.m. (CT), Friday, April 6, 2018. Letters of Interest should not contain links to Web Pages and must, at a minimum, include the following information:

- a. Project Name: General Planning Consultants (GPC)
  - b. Consultant's name and address
  - c. Proposed responsible office for consultant
  - d. Contact person, phone number, and Internet Email Address
  - e. Statement regarding prequalification of consultant or proposed subconsultants in advertised type of work
  - f. Proposed key personnel and their proposed roles (do not include resumes)
  - g. Subconsultant(s) that may be used for the project not listed in item 'e' above
  - h. A Bid Opportunity List (FDOT Form No. 375-040-62) should be included as a separate attached file. This will not be counted as one of the five pages of the Letter of Interest.
- The "Letter of Interest" must be no more than five (5) one-sided pages in length and shall describe related experience, training, and qualifications to complete planning tasks for the TPOs. The outside of the envelope containing the Proposal must be marked **GENERAL PLANNING CONSULTANT SERVICES FOR THE FLORIDA-ALABAMA TPO, THE OKALOOSA-WALTON TPO, AND THE BAY COUNTY TPO**. The TPOs will accept no responsibility for letters not so marked. Letters are to remain in effect for 90 calendar days from the date of submission. The TPO reserves the right to reject any and all proposals.

Requests for clarification of the requirements or inquiries about information contained in this request must be submitted to Jill Lavender at [jill.lavender@wfrpc.org](mailto:jill.lavender@wfrpc.org) by 4:30 p.m. (CT), Friday, March 16, 2018. Responses to all questions will be posted at one time by 4:30 p.m. (CT), Friday, March 23, 2018, on the

WFRPC webpage at <http://www.wfrpc.org/requests-proposals-rfps>.

Mail fifteen paper copies and one electronic copy to: the WFRPC, Jill Lavender, P.O. Box 11399, Pensacola, FL 32524, email [jill.lavender@wfrpc.org](mailto:jill.lavender@wfrpc.org), phone: (850)332-7976, ext. 212 or to physical address: 4081 E. Olive Road, Suite A, Pensacola, FL 32514

**SELECTION PROCESS:** After the WFRPC's receipt of Letters of Interest, a Selection Committee consisting of TPO elected officials, technical committee members, citizen advisory committees, and staff shall shortlist a minimum of three firms. Shortlisted firms will be notified by e-mail. The selection committee invites shortlisted firms to submit a technical proposal and reserves the right to ask for oral presentations from shortlisted firms. Firms will be ranked based upon their understanding of requested services, project approach, technical strength, unique concepts, experience, and quality control methods. TPO Staff will present the GPC Selection Committee's determination to the TPO Boards for their approval at their regular August 2018 meetings.

**2018 SCHEDULE:** The proposed schedule for this Request for Letters of Interest is as follows:

Monday, March 5, 2018	Issue Request for Letter of Interest
Friday, April 6, 2018	Letter of Interest due from Proposers
Wednesday, May 2, 2018	Short listing of proposers completed by Selection Committee
Monday, May 7, 2018	Technical Proposal Submittal Requirements and Oral Presentation Requirements issued to short-listed firms
Wednesday, June 20, 2018	Technical Proposals Due
Wednesday, July 25, 2018	Oral Presentations/Evaluation/Final Recommendation of Selection Committee
Wednesday, August 8, 2018	Florida-Alabama TPO Board Action
Thursday, August 16, 2018	Okaloosa-Walton TPO Board Action
Wednesday, August 22, 2018	Bay County TPO Board Action

VISIT FLORIDA

VISIT FLORIDA Seeks Audio Visual Services

VISIT FLORIDA is accepting proposals from a qualified vendor for audio/visual services for VISIT FLORIDA’s events: Florida Governor’s Conference on Tourism, Florida Encounter, and Florida Huddle. VISIT FLORIDA expects contracting to begin on or about July 1, 2018, and continue until at least June 30, 2019.

Questions are due: March 9, 2018 at 5:00 p.m. ET

Responses to questions will be posted on: March 16, 2018 at 5:00 p.m. ET

Response Deadline: March 23, 2018 at 5:00 p.m. ET

Visit <https://www.visitflorida.org/work-together/submit-a-proposal/rfps-itns/> for more information.

**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., Monday, February 26, 2017 and 3:00 p.m., Friday, March 2, 2018.

Rule No.	File Date	Effective Date
40D-8.624	2/28/2018	3/20/2018
59A-1.003	3/1/2018	3/21/2018
59G-13.015	3/1/2018	3/21/2018
59G-13.110	3/1/2018	3/21/2018
59G-13.112	3/1/2018	3/21/2018
59G-13.130	3/1/2018	3/21/2018
59G-13.131	3/1/2018	3/21/2018
59G-13.132	3/1/2018	3/21/2018
61H1-26.001	2/26/2018	3/18/2018
61H1-39.003	2/26/2018	3/18/2018
64B7-25.001	3/2/2018	3/22/2018
64B7-25.0011	3/2/2018	3/22/2018
64B7-25.004	3/2/2018	3/22/2018
64B7-28.010	3/1/2018	3/21/2018
64B7-32.003	3/1/2018	3/21/2018

64B9-2.022	2/28/2018	3/20/2018
64C-4.003	2/28/2018	3/20/2018
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
40C-2.101	8/2/2017	**/**/****
58A-5.036	2/13/2018	**/**/****
59A-4.1265	2/2/2018	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

DEPARTMENT OF EDUCATION

State Board of Education

Annual State Application under Part B of the Individuals with Disabilities Education Act

In order to receive a grant under Part B of the Individuals with Disabilities Education Act (IDEA), states must submit an application annually. The public participation requirements relevant to Part B are set forth in the Part B regulations at 34 CFR 300.165 and in section 441(b)(7) of the General Education Provisions Act (GEPA). States are required to make the Part B Application available to the public for a period of 60 days, and accept comments for a period of at least 30 days. Florida’s Part B Application will be available to the public from March 5, 2018 through May 3, 2018, on the Florida Department of Education, Bureau of Exceptional Education and Student Services website at <http://www.fldoe.org/academics/exceptional-student-edu/index.stml>. Comments will be accepted between March 5, 2018, and April 3, 2018. Comments may be submitted in writing to: the IDEA Program Manager, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399; via email to the IDEA grant mailbox [IDEAGrant@fldoe.org](mailto:IDEAGrant@fldoe.org), or via fax at (850)245-0953.

DEPARTMENT OF CORRECTIONS

Notice of Denial of Request to Conduct Public Workshop

RULE NO.: RULE TITLE:

33-601.722 Visiting Schedule

The Secretary of the Department of Corrections, pursuant to §120.54(2)(c), Florida Statutes, having reviewed multiple “requests to hold a public workshop” and carefully considering the attendant circumstances, has determined that a public workshop is unnecessary. This determination was made based upon several factors, including: the complexity of issues and logistical expertise necessary to accommodate visitation for nearly 96,000 inmates; sensitive/classified security information; an assessment on the ability to compose a qualified and impartial panel that would be able to provide a significant contribution to the rulemaking process; and the costs associated with such a workshop that would ultimately be borne by the citizens of the state of Florida.

While a public workshop is unnecessary, the Department is sensitive to expressed concerns and has directed that a public hearing be held to afford the public an opportunity to present evidence or argument on the issues. The public hearing shall be conducted in accordance with §120.54(3)(c) and notice of the public hearing will be published in the Florida Administrative Register as required with the Notice of Proposed Rule publication.

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#### DEPARTMENT OF HEALTH

Board of Nursing  
Emergency Action

On March 2, 2018, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michelle Abreo Gutchess, R.N., License # RN 2830472. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2017). 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.

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#### DEPARTMENT OF HEALTH

Board of Nursing  
Emergency Action

On March 2, 2018, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certificate of Jacqueline Jean, C.N.A., Certificate # CNA 16962. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2017). 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.

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#### DEPARTMENT OF HEALTH

Board of Nursing  
Emergency Action

On March 2, 2018, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Lisa Ann Lopez, R.N., License # RN 9326738. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2017). 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.

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#### FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

Derelict Vessel Removal Grant 2nd Round Announcement

In FWC’s first application period for derelict vessel removal grants, \$488,550.00 was available and only \$184,935.00 was requested. This leaves \$303,615.00 still available for derelict vessel removal grants. Therefore this 2nd opportunity announcement is being advertised.

The Florida Fish and Wildlife Conservation Commission (FWC) is announcing the opportunity to apply for Derelict Vessel Removal Grants. The application period for the Bulk Derelict Vessel Removal Grant Program will begin on Monday March 26, 2018 at 8:00 a.m. (ET), and end on Wednesday May 9, 2018 at 5:00 p.m. (ET). Applications received after Wednesday May 9, 2018, will not be eligible for consideration. All removal applications must demonstrate proof that due process was provided for each vessel’s owner. At a minimum, this would include an opportunity for the vessel owner to challenge the derelict vessel determination, either in criminal court or in an administrative hearing. Vessel cases not demonstrating that these opportunities have been offered to the owners of the vessels will not be considered for state funding assistance. The grant guidelines and application form may be downloaded at: <http://www.MyFWC.com/DVGrant>.

You may also receive the guidelines and application by contacting Phil Horning at (850)617-9540 or email [DVGrant@MyFWC.com](mailto:DVGrant@MyFWC.com).

Applications that meet the requirements for the Rapid Removal Grant Program may be submitted at any time after the opportunity announcement start date, but no later than November 31, 2018 at 5:00 p.m. (ET) (based on available funding). Rapid removal cases must also meet due process requirements. Total funding allocated for derelict vessel removal for fiscal year 2017/18 is \$488,550. Applications may be mailed to the Florida Fish and Wildlife Conservation

Commission, Boating and Waterways Section, Derelict Vessel Grant Program Administrator, at 620 S. Meridian Street – Room 235, Tallahassee, Florida 32399-1600 or emailed to DVGrant@MyFWC.com.

For further information, please contact Phil Horning, Derelict Vessel Program Administrator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, (850)617-9540 or email Phil.Horning@MyFWC.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

Interest Rate Set Pursuant To Section 55.03, Florida Statutes

RULE NO.: RULE TITLE:

69I-25.003 Requirements

DEPARTMENT OF FINANCIAL SERVICES

INTEREST RATE SET PURSUANT TO SECTION 55.03, FLORIDA STATUTES

Chapter 2011-169, Laws of Florida, amended Section 55.03(1), Florida Statutes (F.S), to require the Chief Financial Officer to set the rate of interest that shall be payable on judgments and decrees on a quarterly basis rather than an annual basis.

The interest rate for the quarter beginning April 1, 2018 has been set at 5.72 percent per annum or a daily rate of .0156712 percent (.000156712 expressed as a decimal). Current and historical interest rates are available on the following website: <http://www.myfloridacfo.com/aadir/interest.htm>.

Please contact the Vendor Ombudsman Section at (850)413-5516 if you have any questions.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-18-025

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY MONROE COUNTY, FLORIDA,  
ORDINANCE NO. 024-2017

FINAL ORDER

APPROVING MONROE COUNTY ORDINANCE NO. 024-2017

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to sections 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by Monroe County, Florida, Ordinance No. 024-2017 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Monroe County on November 14, 2017, and rendered to the Department on January 24, 2018.

3. The Ordinance amends the Monroe County Land Development Code (“Code”) to remove the language that requires enclosed nonresidential accessory structures be limited to 300-square feet or less, remove the language that requires that accessory structures in an A zone that exceed the 300-square foot threshold be permitted if they meet floodproofing criteria, and remove the language that prohibits enclosed accessory structures that exceed 300 square feet from V zones.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See Sections 380.05(6), and 380.0552(9), Florida Statutes.

5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

6. The Ordinance is consistent with the Monroe County Comprehensive Plan generally, as required by Section 163.3177(1), Florida Statutes and specifically, Policies 101.5.30, 101.5.32, and 101.5.33.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically complies with the following:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

WHEREFORE, IT IS ORDERED that the Department finds that Monroe County Ordinance No. 024-2017 is consistent with the Monroe County Comprehensive Plan and Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

/s/ \_\_\_\_\_

James D. Stansbury, Chief

Bureau of Community Planning and Growth



Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS  
ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK  
DEPARTMENT OF ECONOMIC OPPORTUNITY  
OFFICE OF THE GENERAL COUNSEL  
107 EAST MADISON ST., MSC 110  
TALLAHASSEE, FLORIDA 32399-4128  
FAX (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE  
I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 2nd day of March, 2018.

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

By U.S. Mail:

The Honorable George Neugent  
Mayor, Monroe County  
PO Box 1980  
Key West, Florida 33041

Kevin Madok, Clerk  
Monroe County  
Board of County Commissioners  
PO Box 1980  
Key West, Florida 33041

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.