

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: RULE TITLE:

61G18-14.003 Endorsement Definitions

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address clarification regarding endorsement requirements.

SUBJECT AREA TO BE ADDRESSED: Changes to the rule regarding endorsement requirements.

RULEMAKING AUTHORITY: 474.217(1)(a), 474.206 FS.

LAW IMPLEMENTED: 474.217(1)(a) 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: Ruthanne Christie, Executive Director, Board of Veterinary Medicine, 2601 Blair Stone Road, Tallahassee, FL 32399-0751, N13, or by electronic mail - Ruthanne.Christie@myfloridalicense.com.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-41.300 Central Florida Water Initiative Area, Scope of Rule

62-41.301 Central Florida Water Initiative Area, Uniform Conditions for Issuance of Permits

62-41.302 Central Florida Water Initiative Area, Supplemental Applicant’s Handbook

62-41.303 Central Florida Water Initiative Area, Variances to the Uniform Rules

62-41.304 Central Florida Water Initiative Area, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations

62-41.305 Central Florida Water Initiative Area, Applicability of the Dover/Plant City and

Southern Water Use Caution Area Recovery Strategies

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to comply with the requirements set forth in paragraph 373.0465(2)(d), F.S., enacted during the 2016 legislative session. The rulemaking will provide for uniform rules for consumptive use permitting within the Central Florida Water Initiative Area. This will impact consumptive use applicants and permittees within the Central Florida Water Initiative Area, which includes all of Orange, Osceola, Polk, and Seminole Counties, and southern Lake County, as designated by the Central Florida Water Initiative Guiding Document of January 30, 2015, available online at http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf.

SUBJECT AREA TO BE ADDRESSED: The rulemaking will provide for uniform rules for application within the Central Florida Water Initiative Area on the following topics: 1. A single, uniform definition of the term “harmful to the water resources” consistent with the term’s usage in s. 373.219, F.S.; 2. A single method for calculating residential per capita water use; 3. A single process for permit reviews; 4. A single, consistent process, as appropriate, to set minimum flows and minimum water levels and water reservations; 5. A goal for residential per capita water use for each consumptive use permit; and 6. An annual conservation goal for each consumptive use permit consistent with the regional water supply plan. In addition, the rule will include a process by which the agency may grant variances to the uniform rules based on unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical. Finally, the rule will include existing recovery strategies within the Central Florida Water Initiative Area adopted before July 1, 2016. The recovery strategies meeting that description are the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies.

RULEMAKING AUTHORITY: 373.026, 373.0421, 373.0465, 373.219, FS.

LAW IMPLEMENTED: 373.0421, 373.0465, 373.219, 373.223, FS.

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

DATE AND TIME: April 4, 2019, 9:30 a.m.

PLACE: DEP Central District Office, Conference Rm. A, 3319 Maguire Blvd., Orlando, Florida 32803.

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: Kristine Morris, Kristine.P.Morris@dep.state.fl.us If you are hearing or speech impaired, please contact the agency

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kristine Morris, Kristine.P.Morris@dep.state.fl.us, (850)245-3139, 3900 Commonwealth Blvd., Tallahassee, FL 32399.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-15.0035 Certification by Endorsement

PURPOSE AND EFFECT: The purpose of the rule amendment is to update licensure application.

SUBJECT AREA TO BE ADDRESSED: Update application.

RULEMAKING AUTHORITY: 456.013, 464.202, 464.203 FS.

LAW IMPLEMENTED: 456.0635, 464.203 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:

64B19-11.001 Examination

PURPOSE AND EFFECT: The Board proposes the development to update the incorporated applications.

SUBJECT AREA TO BE ADDRESSED: The incorporated applications.

RULEMAKING AUTHORITY: 456.013(1), 456.017(1)(b), (c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (c), (6), 456.0635(2), 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3055.

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

DEPARTMENT OF HEALTH

Vital Statistics

RULE NO.: RULE TITLE:

64V-1.0061 Death and Fetal Death Registration

64V-1.007 Death and Fetal Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements

64V-1.0131 Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements

PURPOSE AND EFFECT: This rulemaking will implement the “Grieving Families Act” and will provide process, forms and fees for registering, amending and certifying nonviable births as required by recently enacted legislation.

SUBJECT AREA TO BE ADDRESSED: Certificates of nonviable birth.

RULEMAKING AUTHORITY: 382.003(7), (10), (11), 382.008, 382.0085, 382.0086, 382.016, 382.025, 382.0255(3), 382.026 FS.

LAW IMPLEMENTED: 382.003(7), (10), (11), 382.008, 382.0085, 382.0086, 382.011, 382.0135, 382.016, 382.025, 382.0255, 382.026 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: Ana Goold, Program Manager, Bureau of Vital Statistics at (904)359-6900 or by email at Ana.Goold@flhealth.gov.

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

DEPARTMENT OF FINANCIAL SERVICES

OIR - Administration

RULE NO.: RULE TITLE:
 69N-121.003 Organizational Structure of the Office
 PURPOSE AND EFFECT: This rule is being amended to reflect the current organizational structure of the Office of Insurance Regulation.

SUBJECT AREA TO BE ADDRESSED: Structure of Office of Insurance Regulation.

RULEMAKING AUTHORITY: 20.121(3)(b) FS.

LAW IMPLEMENTED: 20.121(3)(b) 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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flair.com, (850)413-4112.

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

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:
 5B-40.003 Obtaining a Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists

PURPOSE AND EFFECT: To incorporate changes to FDACS form revision dates and form numbers.

SUMMARY: The proposed rule is being developed due to changes made to incorporated material, FDACS-08051, which will result in a new form number and revision dates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 570.07(23), 581.185(4) FS.

LAW IMPLEMENTED: 570.07(13), 581.185 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: Dr. Greg Hodges; Greg.Hodges@FreshFromFlorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-40.003 Obtaining a Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists.

(1) Endangered plants.

(a) To willfully harvest, collect, pick, remove, injure, or destroy any plant listed as endangered growing on the private land of another, or on any public land or water, a person shall obtain the written permission of the owner of the land or water, or their legal representative.

(b) Any person desiring to harvest one or more plants, or parts thereof, of a species contained on the Endangered Plant List, designated in paragraph 5B-40.0055(1)(a), F.A.C., from the private land of another, or on any public land or water, shall file with the Division of Plant Industry a Request for Permit to Harvest Endangered or Commercially Exploited Plant(s) or Plant Part(s), FDACS-~~08025 08051~~, Revised 03/19 ~~10/14~~, incorporated herein by reference, which may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P.O. Box 147100, Gainesville, FL 32614-7100 or online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05661>.

(c) Any person transporting for the purpose of sale, selling, or offering for sale, any plant contained on the Endangered Plant List, designated in paragraph 5B-40.0055(1)(a), F.A.C., which is harvested from such person's own property shall file with the Division of Plant Industry a Request for Permit to Harvest Endangered or Commercially Exploited Plant(s) or Plant Part(s), FDACS- ~~08025 08051~~ Revised 03/19 ~~10/14~~.

(d) A request for such a permit shall meet the following requirements:

1. A written request shall be filed at least 14 calendar days prior to the intended date of harvest.

2. The request shall include a legal description of the property where harvesting will occur. Also, written permission is required of the property owner when a person other than the owner wishes to collect or harvest.

3. Supply additional information upon request by the department to ensure the preservation of the species. (such as

intended use, method of collection, reason for collection, and species population on property.)

(2) Commercially exploited plants.

(a) To willfully harvest, collect, pick, remove, injure, or destroy any plant listed as commercially exploited, in paragraph 5B-40.0055(1)(c), F.A.C., growing on the private land of another, or on any public land or water, a person shall obtain the written permission of the owner of the land or water or their legal representative.

(b) Any person desiring to harvest three or more plants or parts thereof of a species contained on the Commercially Exploited Plant List, designated in paragraph 5B-40.0055(1)(c), F.A.C., from the private land of another or on any public land or water shall file with the Division of Plant Industry a Request for Permit to Harvest Endangered or Commercially Exploited Plant(s) or Plant Part(s), FDACS-~~08025 08051~~, Revised 03/19 40/14.

(c) Any person transporting for the purpose of sale, selling, or offering for sale, any plant contained on the commercially exploited plant list which is harvested from such person's own property shall file with the Division of Plant Industry a Request for Permit to Harvest Endangered or Commercially Exploited Plant(s) or Plant Part(s), FDACS-~~08025 08051~~, Revised 03/19 40/14.

(d) A request for such a permit shall meet the following requirements:

1. A written request shall be filed at least 14 days prior to the intended date of harvest.

2. The request shall include a legal description of the property where harvesting will occur. Also, written permission is required of the property owner when a person other than the owner wishes to collect or harvest.

3. Supply additional information upon request by the department to ensure the preservation of the species. (such as intended use, method of collection, reason for collection, and species population on property.)

(3) All requests for permits submitted in accordance with Rule 5B-40.003, F.A.C., shall be reviewed by the department within 14 days following receipt of the request.

(4) Permits issued for endangered or commercially exploited plants shall be valid for one year for those plants permitted and must be renewed annually by submitting a new application as provided in Rule 5B-40.003, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Trevor Smith, Division Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Nicole Fried, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 7, 2019

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NO.:	RULE TITLE:
40A-8.011	Policy and Purpose
40A-8.021	Definitions
40A-8.031	Minimum Flows for the St. Marks River Rise

PURPOSE AND EFFECT: The overall purpose is to create a minimum flows and minimum water levels rule chapter, including setting a minimum flow for the St. Marks River Rise, to comply with Florida Statutes.

SUMMARY: This rule development will establish a minimum flows and minimum water levels rule chapter, including setting a minimum flow for the St. Marks River Rise.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, F.S

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.103 F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Megan Seward, Bureau Chief, Northwest Florida Water Management District, Bureau of Performance and Compliance Improvement, 152 Water Management Drive, Havana, FL 32333, (850)539-5999, megan.seward@nfwwater.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40A-8
MINIMUM FLOWS AND MINIMUM WATER
LEVELS

40A-8.011 Policy and Purpose

(1) This chapter establishes minimum flows and minimum water levels for surface waters, and minimum water levels for

groundwater at specific locations within the Northwest Florida Water Management District.

(2) In establishing minimum flows and minimum water levels, the Governing Board shall use the best information available to establish limits at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

(3) Minimum flows and minimum water levels prescribed in this chapter are used as a criteria for imposing limitations on withdrawals of groundwater and surface water and for reviewing proposed surface water management and storage systems and stormwater management systems.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421 FS. History-New _____.

40A-8.021 Definitions

(1) “Baseline period” means the period of record as documented in a technical report establishing a minimum flow or minimum water level.

(2) “Minimum flow” means a flow or allowable change in flow, expressed in cubic feet per second combined with a temporal element. The temporal element is expressed as a duration, frequency, or return interval.

(3) “St. Marks River” means the riverine waterbody that originates in eastern Leon County and flows south discharging into Apalachee Bay in Wakulla County.

(4) “St. Marks River Near Newport, FL” means USGS Station 02326900 located on the St. Marks River in Wakulla County.

(5) “St. Marks River Near Woodville, FL Estimated Daily Flow” means the best available estimate by the District of the daily flow at USGS Station 02326885, District Station 9257, or its successor, located on the St. Marks River in Leon County.

(6) “St. Marks River Rise” means the first magnitude spring located within Leon County on the St. Marks River at 30 degrees 16 minutes 34 seconds north latitude and 84 degrees 8 minutes 56 seconds west longitude

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042 FS. History-New _____.

40A-8.031 Minimum Flow for the St. Marks River Rise

The Governing Board hereby establishes the following minimum flow. The Governing Board finds that the following minimum flow is the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

(1) The minimum flow for St. Marks River Rise is established as an allowable reduction of 33 cubic feet per second from the baseline period average daily spring flow. The baseline period is October 1, 1956 to November 27, 2017. The average daily spring flow is calculated as the difference between the surface

water flow measured at St. Marks River Near Newport, FL and the St. Marks River Near Woodville, FL Estimated Daily Flow. The most recent 30-year period of average daily spring flows is used to evaluate whether the minimum flow is met.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103 FS. History-New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Megan Seward, Bureau Chief, Bureau of Performance and Compliance Improvement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board, Northwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 1, 2018

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-13.004 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The purpose of the amendment is to delete and update the language to provide an alternative for submission of online continuing education courses.

SUMMARY: Update the rule language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.013, 456.025(7), 460.408(3) FS

LAW IMPLEMENTED: 456.013(6), (8), (9), 456.025(7), 456.036(10), 460.408 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: Anthony Spivey, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257; (850)488-0595.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) through (4) No change.

(5) Approval of Continuing Education Courses.

(a) Provider approval fees. Continuing education providers, including providers of continuing education in AIDS and risk management, seeking initial approval of continuing education courses by the Board shall pay a fee of \$250.00. Continuing education providers seeking renewal for the providership of approved courses shall also pay a \$250.00 fee each biennium. The initial fee and renewal fee shall be assessed per provider and not per course. ~~To receive Board approval, a continuing education course:~~

(b) No change.

(c) Requirements for approval of all courses. To receive Board approval, all continuing education courses:

1. through 4. No change.

5. Shall ensure the security of payment of registration fees.

~~(d)(a)~~ Additional requirements for approval of online attendance courses. In addition to the requirements of paragraphs (5)(c)(a) and (b), to receive Board approval, all online attendance continuing education courses must meet the following additional requirements.

1. through 4. No change.

5. Copies of all post-test and challenge questions must be submitted for Board review:-

(e) As an alternative to submission of online courses to the Board's Continuing Education Committee for review, providers may submit online courses to Federation of Chiropractic Licensing Boards Providers of Continuing Education (PACE) for review and certification as to compliance with Florida's online continuing education approval criteria as of February 1, 2019. If PACE determines the course offering satisfies Florida's approval criteria, PACE shall so notify the Board such that the course can be made available without further review by the Continuing Education Committee.

(6) through (7) No change.

Rulemaking Authority 456.013, 456.025(7), 460.408(3) FS. Law Implemented 456.013(6), (8), (9), 456.025(7), 456.036(10), 460.408

FS. History--New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, 4-17-05, 11-14-06, 11-13-07, 7-1-09, 5-17-10, 8-22-11, 10-21-12, 7-10-13, 7-8-15, 11-15-16, 5-30-17, 1-22-18, 8-5-18,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 5, 2019

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-44.001	Definitions
65C-44.002	Types of Guardianship Assistance
65C-44.003	Determination of Guardianship Assistance Payments
65C-44.004	Guardianship Assistance Agreement
65C-44.005	Non-recurring Guardianship Expenses
65C-44.006	Extension of Guardianship Assistance Agreement
65C-44.007	Redetermination of Guardianship Assistance Payment and Extended Guardianship Assistance Payment

PURPOSE AND EFFECT: The Department intends to create Rule Chapter 65C-44, F.A.C., entitled Guardianship Assistance Program. The chapter will contain rules regarding the processes and procedures for the Guardianship Assistance Program, including definitions, types of guardianship assistance, guardianship assistance agreements, determining guardianship assistance payments, and redetermination of eligibility for guardianship assistance and extended payments.

SUMMARY: The rules accomplish the following: 1) Define terms; 2) Require the child welfare professional to inform prospective guardianship caregivers of the availability of types of guardianship assistance, including guardianship assistance payments, other medical services, reimbursement for non-recurring guardianship assistance expenses, and tuition fee exemptions; 3) Incorporate several forms; 4) Explain the purpose of the guardianship payment; 5) Require determination of need prior to case closing in permanent guardianship; 6) Establish when a Guardianship Assistance Agreement shall be terminated; 7) Require specified background checks for successor guardians; 8) Establish criteria for payments to the guardian for non-recurring expenses the guardian incurred in

connection with the guardianship; and 9) Require annual redetermination of guardianship assistance payment eligibility and semiannual redetermination of extended guardianship assistance payment eligibility.

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 Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 39.6225(11), FS.

LAW IMPLEMENTED: 39.6225, 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: Jodi Abramowitz. Jodi can be reached at (850)717-4470 or Jodi.Abramowitz@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 65C-44

Guardianship Assistance Program

65C-44.001 Definitions.

(1) “Child” means an individual who has not attained 18 years of age.

(2) “Extended Guardianship Assistance Agreement” means an agreement that outlines the payment amount and services provided for a qualifying young adult.

(3) “Extended Guardianship Assistance Payment” means a monthly payment provided to a caregiver for the care and support of a qualifying young adult.

(4) “Guardianship Assistance Agreement” means an agreement that outlines the payment amount and services provided for a qualifying child.

(5) “Guardianship Assistance Payment” means a monthly payment provided to the caregiver for care and support of a qualifying child.

(6) “Successor Guardian” means an adult identified by the caregiver and approved by the Department who will assume care and responsibility for the child if the caregiver is no longer able to care for the child.

(7) “Young adult” as defined in paragraph 39.6225(1)(b), F.S.

Rulemaking Authority 39.6225(11), F.S. Law Implemented 39.6225, F.S. History-New.

65C-44.002 Types of Guardianship Assistance

The child welfare professional shall inform prospective guardianship caregivers of the availability of all of the benefits listed below:

(1) Guardianship Assistance Payment.

(2) Other Medical Services. Other medical services available include on-going Medicaid coverage and continuing eligibility with Children’s Medical Services for children who were receiving such services prior to case closure in permanent guardianship.

(3) Reimbursement for Non-Recurring Guardianship Assistance Expenses. Non-recurring guardianship expenses are expenses necessary for pursuing legal permanent guardianship. Payments must be requested in writing prior to case closure in permanent guardianship.

(4) Tuition Fee Exemption. Children who were in the custody of a permanent guardian may be eligible for an exemption of undergraduate college tuition fees at Florida universities or community colleges pursuant to section 1009.25, F.S.

Rulemaking Authority 39.6225(11), F.S. Law Implemented 39.6225, F.S. History-New.

65C-44.003 Determination of Guardianship Assistance Payments

(1) The purpose of the guardianship assistance payment is to make financial assistance available to permanent guardians to enable them to provide care for a qualifying child. Every permanent guardian must be advised of the availability of a guardianship assistance payment and the purpose for which it was intended.

(2) An application to participate in the Guardianship Assistance Program must be made on the “Application for Guardianship Assistance Program” form, CF-FSP 5442, (insert date), which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>. As outlined in CFOP 170-13, Chapter 13, presumptive eligibility must be completed prior to execution of the Guardianship Assistance Agreement.

(3) The child's and family's need for guardianship assistance payment must be determined prior to the court case closing in permanent guardianship. Guardianship assistance payments shall not be made prior to all parties signing the "Guardianship Assistance Agreement," CF-FSP 5437, incorporated in rule 65C-44.004, F.A.C.

(4) If the Department or community-based care lead agency (CBC) has responsibility for placement and care of the child, the CBC in the county where the court has jurisdiction is responsible for entering into the Guardianship Assistance Agreement and paying guardianship assistance payments.

(5) When the need for guardianship assistance payments is not determined prior to case closure and the permanent guardians believe they have been wrongly denied guardianship assistance payments on behalf of a child, they have the right to appeal the denial in accordance with the rules and procedures of the state's fair hearing and appeal process. If it is found that the guardianship assistance payment was wrongly denied, retroactive payment will be made dating back to the date the permanent guardian requested guardianship assistance payments in writing. Retroactive payment dating back to the date of placement will not be approved.

(6) Medical or mental health evaluations shall be required to document the need for any guardianship assistance payment that exceeds the statewide standard foster care board rate. Evaluations must be completed within the last 12 months of initial guardianship assistance payment determination.

(7) The CBC or subcontracted agency child welfare professional shall inform the caregiver that the guardianship assistance payments, unlike the foster care board rate payments, are not intended to cover the complete cost of the child's care. The guardianship assistance payment is intended to assist the permanent guardian in supporting the extra cost associated with providing care for a child.

(8) The initial determination of the monthly guardianship assistance payment shall be based on the needs of the child at the time of negotiation and the projected future needs of the child based on the family and medical history of the child and birth family, or for cases that meet guardianship assistance program requirements and are closed in permanent guardianship on or after, July 1, 2019, as stated in Section 39.6225, F.S. Negotiations for the initial guardianship assistance payment shall begin at \$333 monthly.

(9) A guardianship assistance payment may be negotiated up to 100% of the statewide foster care board rate. A payment may exceed 100% of the statewide foster care board rate based on a family's level of licensure pursuant to 409.175(5) F.S., when an exception is granted by the Department's regional managing director or designee and documented on the "Guardianship Assistance Payment Approval" form CF-FSP 5440, (insert date), incorporated by reference and available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>. Requests for exceptions must be in writing. In determining whether to grant an exception, the regional managing director or designee shall consider the medical, behavioral, and therapeutic needs of the child at the time of the negotiation, as well as the projected future needs of the child based on the family and medical history of the child and birth family. In no case shall the guardianship assistance payment exceed the foster care maintenance payment for which the child is or would be eligible if the child had been placed in a family foster home. Guardianship assistance payments are not intended to cover services which can be obtained through family insurance, Medicaid, Children's Medical Services, or through special education plans provided by the public school district.

(10) The effective date of the agreement is the date that all requirements for the Guardianship Assistance Program have been met. Payments may not be made for any months in which there is no Guardianship Assistance Agreement in place.

(11) The permanent guardian must be advised by the child welfare professional that it is their responsibility to notify the Department or CBC lead agency of any change in circumstances, including moving out of state, no later than 48 hours after the change.

(12) The Guardianship Assistance Agreement shall be terminated:

(a) Upon the death or incapacity of the guardian(s) if no successor legal guardian is named.

(b) Upon the death of the child.

(c) When it is determined that the child is no longer the legal responsibility of the guardian(s).

(d) When it is determined that the child is no longer receiving support from the guardian(s).

(e) Upon request of the guardian(s).

(13) Permanent guardians may request an increase in the guardianship assistance payments after the initial Guardianship Assistance Agreement was approved due to increased needs related to conditions of the child that were identified as current or future needs of the child prior to the permanent guardianship placement or the circumstances of the family have changed to meet the increased needs of the child.

(a) If the increase request is approved, retroactive payment will be made dating back to the date the permanent guardian officially requested the increased guardianship assistance payment in writing.

(b) If the increase request is denied, the designated Department staff shall send a denial letter with notification of the permanent guardian's right to appeal in accordance with the rules and procedures of the state's fair hearing and appeal process. If it is found that the increase was wrongfully denied, the effective date of the new payment will be the date the increase request was received.

(c) A new Guardianship Assistance Agreement must be signed by all parties with the new approved amount documented.

(14) No child will have his or her guardianship assistance payment reduced based on application of this rule.

(15) No change shall be made to a guardianship assistance payment without concurrence of the permanent guardian except as provided by the federal regulation or state law. The Guardianship Assistance Agreement is not transferable but should include a successor guardian.

Rulemaking Authority 39.6225(11), F.S. Law Implemented 39.6225, F.S. History-New.

65C-44.004 Guardianship Assistance Agreement

(1) The "Guardianship Assistance Agreement," CF-FSP 5437, (insert date), incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>, must be signed and dated by all parties prior to case closure in permanent guardianship and uploaded into the Florida Safe Families Network (FSFN) database.

(2) A successor guardian should be identified and documented on the Guardianship Assistance Agreement.

(3) The successor guardian is not required to be a relative, fictive kin or a licensed caregiver.

(4) The successor guardian must successfully complete the following criminal, delinquency and abuse/neglect history checks prior to being added to the Guardianship Assistance Agreement:

(a) Fingerprints;

(b) Statewide criminal records check through the Florida Department of Law Enforcement;

(c) Records check of the Florida Sexual Offenders and Predators registry;

(d) Juvenile records check through the Florida Department of Juvenile Justice for adults ages 18-26 years old;

(e) Federal criminal records check through the Federal Bureau of Investigations;

(f) Local criminal records check through law enforcement agencies, including records of any responses to the home by law enforcement that did not result in criminal charges;

(g) Abuse and neglect records check through the FSFN; and

(h) Civil court records check regarding domestic violence complaints and orders of domestic violence complaints and orders of protection.

(5) Successor guardians are not required to have a completed Unified Home Study at the point of being identified but must have a home study completed and approved in FSFN prior to placement.

Rulemaking Authority 39.6225(11), F.S. Law Implemented 39.6225, F.S. History-New.

65C-44.005 Non-recurring Guardianship Expenses

(1) Under any Guardianship Assistance Agreement, the state is authorized to make payments to the guardian for non-recurring, one time, expenses the guardian has incurred in connection with the guardianship. Non-recurring guardianship expenses are court costs, attorney fees, and other expenses which are directly related to the guardianship.

(2) Agency fees shall be established by written agreement between the agency and family prior to the performance of the requested service. If these children are otherwise eligible, agency fees shall be counted as an allowable expense under non-recurring guardianship expenses. It is not necessary that the family be receiving guardianship assistance payment to be eligible for reimbursement of non-recurring guardianship expenses.

(3) In cases where siblings are placed separately or as a unit, each child is treated as an individual with separate reimbursement for non-recurring expenses up to the maximum amount of \$1,000 per child.

(4) There are no income eligibility requirements for guardians in determining whether payments for non-recurring expenses of guardianship will be made.

(5) Guardians cannot be reimbursed for out-of-pocket expenses for which they have been otherwise reimbursed.

(6) The following procedures will initiate payments for reimbursement of non-recurring guardianship expenses:

(a) All guardians will be advised by the staff person conducting the home study of the availability of non-recurring expense reimbursement;

(b) Reimbursement for eligible costs may be made to the guardian or directly to a vendor. The staff person conducting the home study shall advise all guardians to keep copies of receipts of expenditures related to pursuing guardianship. Copies of such receipts shall be entered into the payment record in Florida Safe Families Network (FSFN.) Eligible expenses include court costs, attorney fees, birth certificates, costs of required physicals and psychological examinations, costs of transportation, lodging and food for the child and/or guardian when necessary to complete the guardianship process, and the cost of the home study if the child is in the custody of a private agency;

(c) When completing program eligibility, the Guardianship Assistance Agreement shall be negotiated with the family and must include a statement of the projected cost to be reimbursed for non-recurring guardianship expenses as well as proposed guardianship assistance payments.

(d) Payments for non-recurring expenses can be made up to one (1) year following the closing in permanent guardianship.

Rulemaking Authority 39.6225(11), F.S. Law Implemented 39.6225, F.S. History-New.

65C-44.006 Extension of Guardianship Assistance Agreement

(1) Families shall be notified of the Extension of Guardianship Assistance Payment when they are entering into an agreement for a child who has attained 16 or 17 years of age.

(2) The initial agreement shall notate that the caregiver intends to opt into the Extension of Guardianship Assistance Program.

(3) The “Extension of Guardianship Assistance Agreement,” CF-FSP 5434, (insert date), incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>, shall be executed prior to the child’s 18th birthday.

(4) The young adult must meet the eligibility criteria as stated in Section 39.6225, F.S.

(5) Extension of Guardianship Assistance Payments may be made until the young adult reaches 21 years of age, if the young adult is determined to meet eligibility criteria during the annual redetermination periods.

Rulemaking Authority 39.6225(11), F.S. Law Implemented 39.6225, F.S. History-New.

65C-44.007 Redetermination of Guardianship Assistance Payment and Extended Guardianship Assistance Payment

(1) An annual redetermination for Guardianship Assistance Payment eligibility shall be completed every 12 months. Failure of the guardian to submit a completed “Guardianship Assistance Program Eligibility Redetermination” form prior to the end of the 12-month redetermination date shall result in suspension of the Guardianship Assistance Payment. The “Guardianship Assistance Program Eligibility Redetermination” form, CF-FSP 5441, (insert date), is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>.

(2) A redetermination for Extended Guardianship Assistant Payment eligibility shall be completed every six (6) months.

(a) The guardian must provide documentation that the young adult for whom they are receiving Extended Guardianship Assistance Payment continues to meet the eligibility criteria in Section 39.6225(9), F.S.

(b) Failure of the guardian to submit a completed “Guardianship Assistance Program Eligibility Redetermination” form prior to the end of the 6-month redetermination date shall result in suspension of the Guardianship Assistance Payment.

(3) The “Guardianship Assistance Program Eligibility Redetermination” form will be uploaded into the file cabinet

under the child or young adult’s program eligibility page in Florida’s Safe Families Network (FSFN) database.

Rulemaking Authority 39.6225(11), F.S. Law Implemented 39.6225, F.S. History-New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teanna Houston

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 25, 2018

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-149.005 Reasonableness of Benefits in Relation to Premiums

69O-149.006 Actuarial Memorandum

PURPOSE AND EFFECT: The rules are being amended to allow an exemption to paragraph 69O-149.005(14)(b), F.A.C. for certain types of plans issued by an insurer, to update the Experience on the Form requirements, and to update the actuarial certification requirements.

SUMMARY: Rule 69O-149.005, F.A.C. is amended to allow the types of insurance referenced in subsection 69O-149.005(15), F.A.C. to be exempt from the requirements of paragraph 69O-149.005(14)(b), F.A.C. Rule 69O-149.006 F.A.C. is amended to update the Experience on the Form requirements in subparagraph 69O-149.006(3)(b)23, F.A.C. and the actual certification requirements in subparagraph 69O-149.006 (3)(b)28, F.A.C.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 624.308(1), 627.410(6)(b), (d), (e) FS.

LAW IMPLEMENTED: 626.9541(1), 627.410(1), (2), (6), 627.410(7), 627.411(1)(a), (e), 627.9175 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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flor.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) through (13) No change.

(14) An insurer may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) No change.

(b) The provision may not apply for greater than 24 months unless otherwise exempted by the Office;

(c) through (e) No change.

(15) Accident only, accidental death and dismemberment, dental, hearing, hospital indemnity, hospital/surgical medical expense, intensive care, and vision plans issued by an insurer are exempt from the requirement of paragraph (14)(b). This provision may not apply for greater than 60 months for accident only, accidental death and dismemberment, dental, hearing, hospital indemnity, hospital/surgical medical expense, intensive care, and vision plans issued by an insurer.

Rulemaking Authority 624.308(1), 627.410(6)(b), (d), (e) FS. Law Implemented 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04, 11-2-06, 6-18-07, 10-1-08, _____.

69O-149.006 Actuarial Memorandum.

(1) through (2) No change.

(3) Descriptions.

(a) No change.

(b) The descriptions, by item number, of the terms listed above in subsection (2), follow:

1. through 22. No change.

23. Experience on the Form (Past and Future Anticipated):

This section shall display the actual experience on the form and that expected for the future.

a. Past Experience: Experience from inception (or the last 3 years for annually rated group coverages) shall be displayed, although, with proper interest adjustment, the experience for calendar years more than 10 years in the past may be combined. Excluding annually rated group policy forms, earned premiums, actual incurred and expected claims experience shall also be displayed, for each policy year or issue year, within the calendar year. The following information shall be displayed (A sample experience exhibit is illustrated in Appendix A, Illustrative Experience Exhibit (2/04), which is hereby incorporated by reference):

(I) through (II) No change.

(III) Claims incurred and paid, ~~Paid claims~~, for past periods only;

(IV) Remaining claim liability and reserve, ~~Change in claim liability and reserve~~, for past periods only. These reserves shall be updated to reflect actual claim runoff as it develops;

(V) through (XI) No change.

b. Future periods where the projected values are based on inforce experience:

(I) through (VI) No change.

(VII) Two projections will be required to be submitted to the Office. Projections shall be based on existing inforce business with and without ~~no~~ new sales assumed during the projection period.

(VIII) No change.

c. Projections for new forms or otherwise not based on experience shall:

(I) Two projections will be required to be submitted to the Office. Project an initial assumed cohort of new business with and without ~~no~~ new sales assumed during the projection period; and,

(II) No change.

d. No change.

24. through 27. No change.

28. Actuarial Certification:

a. Certification by a qualified actuary that to the best of the actuary's knowledge and judgment:

(I) No change.

(II) Complies with the Commonly Accepted Actuarial Practice as defined in subsection 69O-154.202(28), F.A.C. ~~all applicable Actuarial Standards of Practice~~; and,

(III) No change.

b. In making the certification:

(I) No change.

(II) The actuary's opinion shall comply with the Commonly Accepted Actuarial Practice as defined in subsection 69O-154.202(28), F.A.C. ~~The applicable Actuarial Standards of Practice, incorporated in subsection 69O-154.202(27), F.A.C., are as provided in the Applicability Guidelines for Actuarial Standards of Practice, second edition,~~

~~as developed by the Council on Professionalism of the American Academy of Actuaries, August 1999, which standard is hereby adopted and incorporated by reference.~~

~~e. A copy of the Applicability Guidelines for Actuarial Standards of Practice may be obtained from the Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0328.~~

~~c.d.~~ A qualified actuary is one who is a member of the Society of Actuaries or the American Academy of Actuaries, and who is qualified in the area of health insurance.

~~d.e.~~ If the actuary is unable to provide the certification without qualification, a detailed explanation and reason for the qualification shall be provided as part of the certification.

Rulemaking Authority 624.308(1), 627.410(6)(b), (e) FS. Law Implemented 627.410(1), (2), (6), 627.411(1)(e) FS. History—New 7-1-85, Formerly 4-58.06, 4-58.006, Amended 4-18-94, 4-9-95, 11-20-02, 6-19-03, Formerly 4-149.006, Amended 5-18-04, 11-2-06, 10-1-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Lawrence, Jr., Assistant General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2019
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 22, 2019

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

690-154.202 Definitions

PURPOSE AND EFFECT: The rule is being amended to update the definition of Commonly Accepted Actuarial Practice.

SUMMARY: The rule is being amended to update the definition of Commonly Accepted Actuarial Practice.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely

to have an adverse impact on the State economy in excess of the criteria established in paragraph 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flor.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-154.202 Definitions.

As used in this rule chapter, the following terms have the following meaning:

(1) through (27) No change.

(28) Commonly Accepted Actuarial Practice. Practices consistent with standards of practice established by the Actuarial Standards Board, ~~as of December 31, 2002 as embodied in “Actuarial Standards of Practice” which are hereby incorporated herein by reference.~~

(29) through (33) No change.

Rulemaking Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History—New 4-14-99, Formerly 4-154.202, Amended 3-1-04, 1-25-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Lawrence, Jr., Assistant General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2019
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 22, 2019

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

690-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge

690-163.011 Credit Disability Insurance Rates

PURPOSE AND EFFECT: The amendment to Rule 690-163.009, F.A.C., specifies the credibility factors to be applied

for the calculation of deviations from prima facie rates. The amendments to Rule 69O-163.011, F.A.C., amend the maximum credit disability insurance premium rates.

SUMMARY: Rule 69O-163.009, F.A.C. is amended to require the filing of Form OIR-B2-2213 to provide numerical and written justification when there is a deviation from prima facie rates. The maximum credit disability insurance premium rates are amended in Rule 69O-163.011, F.A.C.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in paragraph 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 624.308(1), 627.678 FS.

LAW IMPLEMENTED: 624.307(1), 627.678, 627.6785, 627.682 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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flor.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge.

(1) through (5) No change.

(6) Any deviation from prima facie rates shall require numerical and written justification. The numerical information shall be displayed as illustrated in Form OIR-B2-2213, Appendix A, Illustrative Experience Exhibit, effective 10/18, hereby incorporated by reference and available at www.flrules.org/XXXXX, and submitted electronically via the

Office's Filing Assembly Submission System (FASS) at https://iportal.fldfs.com/iframe/fass/default.asp.

Rulemaking Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History--New 5-9-82, Formerly 4-7.09, Amended 6-11-91, Formerly 4-7.009, Amended 3-15-94, 2-11-03, Formerly 4-163.009, Amended 9-30-09, _____.

69O-163.011 Credit Disability Insurance Rates.

(1) Credit disability insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than in paragraphs (a) and (b). Paragraphs (c), (d) and (e) refer to premium rates for other types of coverages either alone or in combination with the type of coverages applicable to paragraphs (a) and (b).

(a) If premiums are payable on a single-premium basis for the duration of the coverage:

TABLE I

No. of months	14-Day	30-Day	7-Day	14-Day	30-Day
6	<u>\$0.65</u>	<u>\$0.29</u>	<u>\$1.18</u>	<u>\$1.04</u>	<u>\$0.84</u>
less	<u>\$0.81</u>	<u>\$0.36</u>	<u>\$1.47</u>	<u>\$1.30</u>	<u>\$1.05</u>
7-12	<u>0.9</u>	<u>0.5</u>	<u>1.41</u>	<u>1.26</u>	<u>1.09</u>
	<u>0.13</u>	<u>0.72</u>	<u>1.76</u>	<u>1.58</u>	<u>1.36</u>
13-18	<u>1.17</u>	<u>0.8</u>	<u>1.64</u>	<u>1.50</u>	<u>1.34</u>
	<u>1.46</u>	<u>1.08</u>	<u>2.05</u>	<u>1.87</u>	<u>1.67</u>
19-24	<u>1.4</u>	<u>1.1</u>	<u>1.87</u>	<u>1.73</u>	<u>1.58</u>
	<u>1.78</u>	<u>1.44</u>	<u>2.34</u>	<u>2.16</u>	<u>1.97</u>
25-30	<u>1.6</u>	<u>1.4</u>	<u>2.11</u>	<u>1.96</u>	<u>1.82</u>
	<u>2.11</u>	<u>1.80</u>	<u>2.64</u>	<u>2.45</u>	<u>2.28</u>
31-36	<u>1.9</u>	<u>1.7</u>	<u>2.34</u>	<u>2.19</u>	<u>2.06</u>
	<u>2.43</u>	<u>2.16</u>	<u>2.93</u>	<u>2.74</u>	<u>2.58</u>
37-48	<u>2.2</u>	<u>2.1</u>	<u>2.67</u>	<u>2.48</u>	<u>2.38</u>
	<u>2.84</u>	<u>2.70</u>	<u>3.34</u>	<u>3.10</u>	<u>2.97</u>
49-60	<u>2.5</u>	<u>2.3</u>	<u>2.95</u>	<u>2.70</u>	<u>2.62</u>
	<u>3.16</u>	<u>2.97</u>	<u>3.69</u>	<u>3.38</u>	<u>3.28</u>
61-72*	<u>2.7</u>	<u>2.6</u>	<u>3.18</u>	<u>2.90</u>	<u>2.82</u>
	<u>3.43</u>	<u>3.27</u>	<u>3.97</u>	<u>3.62</u>	<u>3.53</u>
73-84*	<u>2.8</u>	<u>2.7</u>	<u>3.34</u>	<u>3.03</u>	<u>2.96</u>
	<u>3.61</u>	<u>3.47</u>	<u>4.18</u>	<u>3.79</u>	<u>3.70</u>
85-96*	<u>3.0</u>	<u>2.9</u>	<u>3.47</u>	<u>3.14</u>	<u>3.07</u>
	<u>3.76</u>	<u>3.64</u>	<u>4.34</u>	<u>3.92</u>	<u>3.84</u>

97-	<u>3.0</u>	<u>3.0</u>	<u>3.57</u>	<u>3.21</u>	<u>3.15</u>
108*	<u>3.86</u>	<u>3.75</u>	<u>4.46</u>	<u>4.01</u>	<u>3.94</u>
109-	<u>3.1</u>	<u>3.0</u>	<u>3.64</u>	<u>3.27</u>	<u>3.22</u>
120*	<u>3.95</u>	<u>3.85</u>	<u>4.55</u>	<u>4.09</u>	<u>4.02</u>
Per	<u>.02</u>	<u>.02</u>	<u>.0278</u>	<u>.0246</u>	<u>.0246</u>
month for	<u>42</u>	<u>37</u>	<u>.0348</u>	<u>.0313</u>	<u>.0308</u>
terms	<u>.0303</u>	<u>.0296</u>			
exceeding					
120					
months					

- (b) through (f) No change.
- (2) No change.

Rulemaking Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History—New 5-9-82, Formerly 4-7.11, Amended 6-11-91, Formerly 4-7.011, Amended 2-11-03, Formerly 4-163.011, Amended 9-30-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Lawrence, Jr., Assistant General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2019
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
 69O-191.074 Records Retention
 69O-191.076 Corrective Action Plans
 69O-191.078 Subscriber Grievance Procedure

PURPOSE AND EFFECT: These rules are being amended to update and delete out of date references to government agencies and programs, as well as to incorporate a form for filing a pro forma projection of an anticipated program.

SUMMARY: Rule 69O-191.074, FAC, is amended to update and delete out of date references to government agencies and update the manner to retain records. Rule 69O-191.076, F.A.C., is amended to incorporate a form for filing a pro forma projection of an anticipated program. Rule 69O-191.078, F.A.C., is amended to delete references to the Statewide Subscriber Assistance Panel due to the repeal of section 408.7056, FS.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in paragraph 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 641.36 FS.
 LAW IMPLEMENTED: 641.22(9), 641.23(3), 641.27, 641.31(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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flor.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-191.074 Records Retention.

(1) No change.

(2) These records, either in the form of paper or electronic hard documents, microfiche or computer diskettes, shall be maintained for no less than three (3) years, unless otherwise required to be maintained for a longer period of time by the Department of Health, Office of Health and Rehabilitative Services, Internal Revenue Service, Centers for Medicare & Medicaid Services (CMS) Health Care Financing Administration (HCFA) or as otherwise specified by the Office.

Rulemaking Authority 641.36 FS. Law Implemented 641.27 FS. History—New 5-28-92, Formerly 4-191.074, Amended _____.

69O-191.076 Corrective Action Plans.

(1) through (3) No change.

(4) The Office shall approve a corrective action plan complying with subsection 641.23(3), F.S., if the plan meets all of the following criteria in that the plan includes:

(a) through (d) No change.

(e) A pro forma projecting the anticipated program. Pro forma projections must be submitted electronically on Form

OIR-A2-2212, Pro Forma Projections, effective 09/18, hereby incorporated by reference and available at www.flrules.org/XXXXX, via the Office's Regulatory Electronic Filing System (REFS) at <https://www.flour.com/iportal>.

Rulemaking Authority 641.36 FS. Law Implemented 641.23(3) FS. History—New 5-28-92, Amended 8-15-94, Formerly 4-191.076, Amended _____.

690-191.078 Subscriber Grievance Procedure.

Every HMO shall have a subscriber grievance procedure. A detailed description of the HMO's subscriber grievance procedure shall be included in all group and individual contracts as well as in any certificate or member handbook provided to subscribers. This procedure shall be administered at no cost to the subscriber. An HMO subscriber grievance procedure must include the following:

(1) through (5) No change.

(6) The HMO shall process the formal written subscriber grievance in a reasonable length of time not to exceed 60 days, unless the subscriber and HMO mutually agree to extend the time frame set forth by this rule. ~~However, any mutually agreed time frame modification will not preclude the subscriber from appealing to the Statewide Subscriber Assistance Panel within the periods as established by this rule.~~ If the complaint involves the collection of information outside the service area, the HMO will have 30 additional days to process the subscriber complaint through all phases of the grievance procedure. The time limitations prescribed in this paragraph requiring completion of the grievance process within 60 days shall be tolled after the HMO has notified the subscriber, in writing, that additional information is required in order to properly complete review of the complaint. Upon receipt by the HMO of the additional information requested, the time for completion of the grievance process set forth herein shall resume. A grievance which is arbitrated pursuant to chapter 682, F.S., is permitted an additional time limitation not to exceed 210 days from the date the HMO receives a written request for arbitration from the subscriber. ~~Arbitration provisions, if any, shall not preclude the subscriber from filing with the Statewide Subscriber Assistance Panel. At the point of the arbitration process the subscriber shall be deemed to have complied with the full formal grievance procedure for the purpose of appealing to the Statewide Subscriber Assistance Panel.~~ Each HMO shall notify the Office of all arbitrated grievances on the quarterly grievance report required by subsection 690-191.078 ~~(11) (12)~~, F.A.C.;

~~(7) The subscriber grievance procedure shall state that the subscriber always has the right to appeal to the Office or the Department of Health and Rehabilitative Services. The HMO shall provide to the subscriber written notice of the right to appeal upon completion of the full grievance procedure and supply the Office with a copy of the final decision letter;~~

~~(7)(8)~~ The HMO shall have physician involvement in reviewing medically related grievances. Physician involvement in the grievance process should not be limited to the subscriber's primary care physician, but may include at least one other physician;

~~(8)(9)~~ The HMO shall offer to meet with the subscriber during the formal grievance process. The location of the meeting shall be at the administrative offices of the HMO within the service area or at a location within the service area which is convenient to the subscriber;

~~(9)(10)~~ The HMO may not establish time limits of less than one year from the date of occurrence for the subscriber to file a formal grievance;

~~(10)(11)~~ Each HMO shall maintain an accurate record of each formal grievance. Each record shall include the following:

(a) through (d) No change;

~~(11)(12)~~ Each HMO shall submit a quarterly report to the Office pursuant to section 641.311(1)(b), F.S., listing the number and nature of all formal subscriber grievances which have not been resolved to the satisfaction of the subscriber, after the subscriber has utilized the full grievance procedure of the HMO. This report shall be formatted as outlined in the quarterly report of subscriber grievances form incorporated herein by reference and shall be filed with the Office no later than 45 days after the end of each calendar quarter. Quarterly report of subscriber grievance forms can be obtained from the Office of Insurance Regulation's website: <http://www.flour.com/iportal>.

Rulemaking Authority 641.36 FS. Law Implemented 641.22(9), 641.31(5) FS. History—New 7-8-87, Amended 2-22-88, 10-25-89, Formerly 4-31.078, Amended 5-28-92, Formerly 4-191.078, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Lawrence, Jr., Assistant General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2019
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NO.:	RULE TITLE:
5N-1.113	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
5N-1.114	Directly Related Criminal Offenses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 247, December 21, 2018 issue of the Florida Administrative Register.

5N-1.113 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

The Division sets forth below disciplinary guidelines from which penalties will be imposed upon any person or agency violating Chapter 493, F.S. The purpose of the disciplinary guidelines is to provide notice of the range of penalties which may be imposed for specific violations. The language below is intended to summarize the statutory language and is not a complete statement of the violation.

(1) The disciplinary guidelines for violations committed by agencies are as follows:

- (a) through (e) No change.
- (f) Failure to issue identification cards to ~~by~~ licensed employees.
- (g) through (q) No change.
- (r) Advertising or conducting regulated activity without liability insurance.
(Section 493.6118(1)(h), F.S.) ~~(Section 493.6118(h), F.S.)~~
- (s) through (t) No change.
- (u) Violation of a cease and desist order issued by the division.
(Section Sections 493.6118(1)(k), 493.6120(3), F.S.)
- (v) through (z) No change.

(2) The disciplinary guidelines for violations committed by individuals are as follows:

VIOLATION	RANGE	OF
PENALTIES		
(a) through (e) No change.		
(f) Conviction of or adjudication of guilt withheld on a crime directly related to the business for which the license is held or sought.		
(g) through (u) No change.		
(3) In addition to the disciplinary guidelines set forth in		

subsections (2) and (3), guidelines for violations committed by recovery agencies, agents and interns are as follows:

VIOLATION	RANGE	OF
	PENALTIES	
(a) Performing a repossession before authorization from the legal owner or mortgagee.	(a) From an administrative fine of \$200-\$700 or probation to one month's suspension of license.	
(Section <u>493.6118(1)(x)1.</u> 493.6118(1)(u)1., F.S.)		
(b) Charging for expenses not actually incurred.	(b) From an administrative fine of \$150-\$300 to probation or one month's suspension of license.	
(Section <u>493.6118(1)(x)2.</u> 493.6118(1)(u)2., F.S.)		
(c) Using recovered property for personal benefit.	(c) From an administrative fine of \$300-\$700 to one month's suspension or denial of license.	
(Section <u>493.6118(1)(x)3.</u> 493.6118(1)(u)3., F.S.)		
(d) Selling recovered property without written authorization from the legal owner or mortgagee.	(d) From an administrative fine of \$300-\$600 or probation to one month's suspension or denial of license.	
(Section <u>493.6118(1)(x)4.</u> 493.6118(1)(u)4., F.S.)		
(e) Failure to notify law enforcement within 2 hours of suspension during uninsured period.	(e) From an administrative fine of \$200-\$700 to probation.	
(Section <u>493.6118(1)(x)5.</u> 493.6118(1)(u)5., F.S.)		
(f) Failure to timely remit to the client money collected in lieu of a repossession.	(f) From an administrative fine of \$150-\$350 or probation to one month's suspension or denial of license.	
(Section <u>493.6118(1)(x)6.</u> 493.6118(1)(u)6., F.S.)		
(g) Failure to timely deliver to the client a negotiable instrument.	(g) From an administrative fine of \$100-\$300 or probation to one month's suspension or	

(Section 493.6118(1)(x)7. of license.
493.6118(1)(u)7., F.S.)

(h) Falsification or alteration of inventory records. (h) From an administrative fine of \$300-\$700 or

(Section 493.6118(1)(x)8. probation to three
493.6118(1)(u)8., F.S.) month's suspension or denial

(i) Carrying a weapon or firearm while on private property (i) From an administrative fine of \$300-\$700 or

In the performance of a Recovery. probation to three month's suspension or denial

(Section 493.6118(1)(x)9. of license.
493.6118(1)(u)9., F.S.)

(j) Solicitation of recovery services for a fee greater (j) From an administrative fine of \$200-\$600 or

than the amount normally charged. probation to one month's suspension or denial

(Section 493.6118(1)(x)10. of license.
493.6118(1)(u)10., F.S.)

(k) Displaying a badge in the course of a repossession. (k) From an administrative fine of \$200-\$600

(Section 493.6118(1)(x)11. to probation.
493.6118(1)(u)11., F.S.)

(l) through (m) No change.

(4) The disciplinary guidelines for violations committed by agencies are as follows:

(a) through (b) No change.

(c) Improperly administering or grading an examination.

(Rule 5N-1.140. ~~4C-3.140,~~ F.A.C., Section 493.6118(1)(f) in Chapter 825, Florida Probation Code, F.S.)

(d) Failing to properly maintain records.

(Rule 5N-1.140. ~~4C-3.142,~~ F.A.C., Section 493.6118(1)(f), ~~Rule 5N-1.140, F.S.~~ or ~~Chapter 825, Florida Probation Code, F.S.~~)

(e) No change.

(f) Failure to teach approved curriculum.

(Rule 5N-1.140, F.A.C.) (~~Section 493.6304(3), F.S.~~)

(g) Operating an unlicensed school or training facility.

(Rule 5N-1.134, F.A.C. (~~Section 493.6304(3), F.S.~~)

(5) The division shall be entitled to deviate from the above-mentioned guidelines and impose any penalty authorized under subsection 493.6118(2), F.S., upon a showing of one or more of the following aggravating or mitigating circumstances presented to the finder of fact:

(a) through (p) No change.

~~(q) Any other aggravating or mitigating circumstances.~~

(6) through (7) No change.

Rulemaking Authority 493.6103, ~~493.6106(2), 493.6304(3), 493.6406(3),~~ FS. Law Implemented 493.6100, ~~493.6107(5), 493.6110(2), 493.6111(5), 493.6112(1), (2), 493.6115, 493.6118, 493.6120(3), 493.6121, 493.6124, 493.6301(8), 493.6304(3), 493.6404~~ FS. History—New 5-7-91, Amended 5-15-95, Formerly IC-3.113, Amended _____.

5N-1.114 Directly Related Criminal Offenses

(1) No change.

(2) An offense that is “directly ~~related~~ relates to the business for which the license is held or sought” that can be grounds for disciplinary action is one that:

(a) through (c) No change.

(3) Subject to the requirements in subsection (2) and (4), the following offenses are directly related:

(a) through (e) No change.

(f) Any offense against a law enforcement officer, firefighter, or emergency medical care provider, ~~including refusal to obey a lawful command;~~

~~(g)(f)~~ Resisting arrest with or without violence;

~~(h)(g)~~ Any felony drug offense;

~~(i)(h)~~ Any stalking or cyber stalking related offense;

~~(j)(i)~~ Culpable negligence;

~~(k)(j)~~ Crimes that involve the impersonation of a law enforcement officer or other official;

~~(l)(k)~~ Firearm-related offenses for Class G or K applicants or licensees;

~~(m)(l)~~ Offense against a law enforcement officer, firefighter, or emergency medical care provider, including refusal to obey a lawful command, as set forth in Chapter 825, Florida Probation Code, F.S.

~~(n)(m)~~ Accessory, conspiracy, or attempt to commit any of the above-listed offenses.

(4) ~~No change.~~ From an administrative fine of \$150-\$350 or probation to one month's suspension of license. (~~Rule 5N-1.140, F.S.~~ or ~~Chapter 825, Florida Probation Code, F.S.~~) ~~493.6100,~~ ~~493.6101(7), 493.6105(3), 493.6106(1)(b), 493.6118~~ FS. History—~~_____.~~

(f) From an administrative fine of \$200-\$600 or probation to one month's suspension of license.

(g) From an administrative fine of \$300-\$700 to denial of license.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

RULE NO.:	RULE TITLE:
5P-3.001	Program Participation
5P-3.004	Reimbursement Process and Financial Management
5P-3.005	Administrative Reviews

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 244, December 18, 2018 issue of the Florida Administrative Register.

5P-3.001 Program Participation

Each organization participating or desiring to participate in the Summer Food Service Program, as defined in subsection 5P-1.001(38), F.A.C., must meet the standards established by the United States Department of Agriculture as provided in 2 CFR 200, 7 CFR 15, 15a, 15b, 7 CFR 225, and 7 CFR 250 all revised as of January 1, 2018, and which are hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-10330>, Chapter 595, Florida Statutes, and this rule chapter.

(1) Summer Food Service Program Application. Any organization desiring to participate in the Summer Food Service Program must be eligible as required by 7 CFR 225.14 and must:

(a) Submit to the department a complete application online at <https://fans.freshfromflorida.com>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "Summer Food Service Program Application", FDACS-01722 ~~01/19 06/18~~, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-XXXXX>. For the purposes of this program, a complete application includes:

- 1. through 4. No change.
- (b) No change.
- (2) through (12) No change.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404 FS. History-New_____.

5P-3.004 Reimbursement Process and Financial Management

- (1) through (2) No change.
- (3) Claims. Claims for Reimbursement must only be made by Sponsors operating under written agreement, incorporated in Rule 5P-~~2.002 3.001(11)~~, F.A.C., with the department.
- (4) through (9) No change.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404 FS. History-New_____.

5P-3.005 Administrative Reviews

- (1) through (4) No change.
- (5) Program Records. The Sponsor has a duty to maintain program records as required in the Child Nutrition Programs Agreement, FDACS-01716 Rev. 06/18, incorporated in Rule 5P-~~2.002 2.001(7)~~, F.A.C. The Sponsor must make available to the department all required program records no later than the last day of the scheduled Administrative Review period and upon request by the department. The department may grant a one-time extension, per Administrative Review, to the timeframe to provide all required program records by seven (7) calendar days upon written request by the Sponsor when extraordinary circumstances arise, such as temporary site closures, natural disasters, extreme weather conditions, or other circumstances beyond the Sponsor's control. Documentation will not be accepted for review beyond the date established between the Sponsor and the department. "Program records" means all invoices, receipts, accounting records, bank statements, check ledgers, credit card statements, meal count records, meal delivery receipts, budgets, and any other records generated by a Sponsor or vendor during the operation of the Summer Food Service Program.
- (6) through (13) No change.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), FS. Law Implemented 595.404, 595.501 FS. History-New_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-16.0051	Delegation of Remediable Restorative Functions to Dental Assistants; Supervision Level; and Training and Experience Requirements.

NOTICE OF PUBLIC HEARING

The Board of Dentistry announces a hearing regarding the above rule, as noticed in Vol. 45 No. 32, February 15, 2019 Florida Administrative Register.

DATE AND TIME: Friday, May 17, 2019, 1:00 p.m., or as soon thereafter as can be heard.

PLACE: DoubleTree by Hilton Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812. (407)856-0100.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed amendments to Rule 64B5-16.0051, F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Jennifer Wenhold, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. 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).

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Public Utilities Company’s petition for temporary waiver from Rule 25-7.045, Florida Administrative Code, filed on December 26, 2018, in Docket No. 20180230-GU, was granted by the Commission by Order No. PSC-2019-0067-PAA-GU, issued on February 22, 2019, and consummated by Order No. PSC-2019-0107-CO-GU, issued on March 19, 2019. The rule requires FPUC to file a depreciation study every five years. The petition was granted on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create a substantial hardship. Notice of the petition was published in the FAR on January 4, 2019, Vol. 45, No. 3. A copy of the Order may be obtained from the Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/08/2019, the Department issued a Final Order granting Juniper Eventide Limited Partnership d/b/a Juniper Village at Cape Coral, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on

12/28/2018, and noticed in FAR Volume 45, Number 10. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/08/2019, the Department issued a Final Order granting Royal Living ALF, Inc., a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 01/02/2019, and noticed in FAR Volume 45, Number 14. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/05/2019, the Department issued a Final Order granting Seaside Manor ALF, LLC d/b/a Seaside Manor of Ormond Beach, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/19/2018, and noticed in FAR Volume 45, Number 4. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/05/2019, the Department issued a Final Order granting Plaza of Pembroke ALF, LLC d/b/a Plaza of Hallandale Beach, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/17/2018, and noticed in FAR Volume 44, Number 252. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/05/2019, the Department issued a Final Order granting Harmony House ALF, LLC d/b/a The Harmony House of Ocala, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/19/2018, and noticed in FAR Volume 45, Number 4. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/05/2019, the Department issued a Final Order granting RSC Dunellon Haven, LLC d/b/a Haven House of Ocala, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/19/2018, and noticed in FAR Volume 45, Number 4. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/11/2019, the Department issued a Final Order granting Westminster Shores, Inc., a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 11/27/2018, and noticed in FAR Volume 44, Number 240. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice:

On 03/19/2019, the Department issued a Final Order granting GV Pinellas Park, LLC d/b/a Grand Villa of Pinellas Park, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/26/2018, and noticed in FAR Volume 45, Number 7. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/19/2019, the Department issued a Final Order granting GV Englewood, LLC d/b/a Grand Villa of Englewood, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/26/2018, and noticed in FAR Volume 45, Number 6. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/19/2019, the Department issued a Final Order granting GVDB Operations, LLC d/b/a Grand Villa of Delray East, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/26/2018, and noticed in FAR Volume 45, Number 6. Petitioner demonstrated that its

current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/19/2019, the Department issued a Final Order granting SNH SE Tenant TRS, Inc. d/b/a Five Star Premier Residences of Hollywood, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 3/04/2019, and noticed in FAR Volume 45, Number 49. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/19/2019, the Department issued a Final Order granting Dade City, FL OPCO, LLC d/b/a The Edwinola, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/21/2018, and noticed in FAR Volume 45, Number 5. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 03/19/2019, the Department issued a Final Order granting Hibiscus Palace III Assisted Living Facility LLC, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 01/04/2019, and noticed in FAR Volume 45, Number 06. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 14, 2019, the Florida Department of Elder Affairs, received a petition for a notice of withdrawal from GV-Ormond Beach, LLC d/b/a Grand Villa of Ormond Beach of its petition for a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on January 28, 2019, the Florida Department of Elder Affairs, received a petition for a notice of withdrawal from GV Largo d/b/a Grand Villa of Largo of its petition for a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from WINDSOR COURT. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from CREST MANOR ASSISTED LIVING FACILITY. Any

interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from CARPS ASSISTED LIVING. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from CARPS ASSISTED LIVING. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE BAYSHORE. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE BONITA SPRINGS. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE COUNTRYSIDE. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE HIGHLANDS. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE JENSEN BEACH. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE MARGATE. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE NEW PORT RICHEY. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE PALM BEACH GARDENS. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an

alternate energy source for emergency environmental control, from BROOKDALE PALMA SOLA. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE POINTE WEST. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE SARASOTA MIDTOWN. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE WEST BOYNTON BEACH. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on February 28, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BROOKDALE WEST PALM BEACH. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board hereby gives notice: of the issuance of an Order regarding the Petition for Variance or Waiver, filed on January 22, 2019, by Suzanne Seashell Long. The Notice of Petition for Waiver or Variance was published in Vol. 45, No. 19, of the January 29, 2019 Florida Administrative Register. Petitioner sought a variance or waiver of Rule 61J1-10.003, Florida Administrative Code, regarding

education requirements. The Board considered the instant Petition at a duly-noticed public meeting held on February 4, 2019, in Orlando, Florida. The Board's Order, filed on March 13, 2019, granted the petition. The Board found that the Petitioner had established that the purpose of the underlying statute, 475.614, F.S., would be met were the Petitioner to be granted a variance from the rule. The Petitioner further established that the Board's application of Rule 61J1-10.003, Florida Administrative Code, to Petitioner's circumstances would impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Allison McDonald, Executive Director, Florida Real Estate Appraisal Board, 400 West Robinson Street, #N801, Orlando, FL 32801, (850)487-1395, or by electronic mail – Allison.McDonald@myfloridalicense.com.

DEPARTMENT OF HEALTH

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

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice: of the issuance of an Order regarding the Petition for Variance or Waiver, filed on September 21, 2018, by Tracy Denise Sieper. The Notice of Petition for Waiver or Variance was published in Vol. 44, No. 189, of the September 27, 2018 Florida Administrative Register. Petitioner sought a variance or waiver of Rule 64B4-2.001, F.A.C., which defines the experience requirements for clinical social work, marriage and family therapy and mental health counseling. The Board considered the instant Petition at a duly-noticed public meeting held on November 8, 2018, in Ft. Lauderdale, Florida.

The Board's Order, filed on November 29, 2018, denied the petition for the following reason: The Board found that Petitioner did not meet the purpose of the underlying statute by other means and that application of the Rule at issue to Petitioner would not violate principles of fairness or cause a substantial hardship. The board denied Petitioner's request to count psychotherapy hours she provided prior to her being a registered clinical social work intern.

A copy of the Order or additional information may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or Jennifer.Wenhold@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on March 14, 2019, the Board of Massage Therapy, received a petition for variance and waiver filed by Karen Mooney, PhD, LMT, CMMP, from Rule Chapter 64B7-25, F.A.C., and Section 480.041, F.S. The

Petitioner seeks the board's approval for a waiver requiring completion of a 500 hour program for licensure as Petitioner currently holds a Massage License in Pennsylvania. Petitioner is requesting that her years of post-education, teaching, and experience in the massage field will satisfy the requisite and grant a waiver of the out of state education requirement. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, at the above listed address, (850)245-4162, or by electronic mail - kama.monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-25.004 Endorsements

NOTICE IS HEREBY GIVEN that on March 14, 2019, the Board of Massage Therapy, received a petition for variance and waiver filed by Marjorie Anne Hope. Although no specific rule is mentioned in the petition, it appears that the Petitioner is seeking a waiver or variance of Rule 64B7-25.004, F.A.C., licensure by endorsement as a massage therapist in Florida. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, at the above listed address, (850)245-4162, or by electronic mail - kama.monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-15.007 Approval and Renewal of New Certified Nursing Assistant Training Programs

NOTICE IS HEREBY GIVEN that on March 15, 2019, the Board of Nursing, received a petition for variance and waiver filed on behalf of Treasure Coast Technical College from subsection 64B9-15.007(3), F.A.C. The rule requires that each program must submit a renewal application every-two years to the Board within sixty (60) days prior to December 31 of each even numbered calendar year. If a program fails to timely file a renewal application, the Board shall rescind the approval. Treasure is requesting a variance and waiver of the rule stating a change of address and new coordinator for the program and that the renewal information has been forwarded to the Board of Nursing. Comments on this petition should be filed with the Board of Nursing, 4052 Bald Cypress Way, Bin #C02,

Tallahassee, Florida 32399-3252, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, at the above address or by emailing at Joe.Baker@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-15.007 Approval and Renewal of New Certified Nursing Assistant Training Programs

NOTICE IS HEREBY GIVEN that on March 19, 2019, the Board of Nursing, received a petition for variance and waiver filed on behalf of Treasure Coast High School from subsection 64B9-15.007(3), F.A.C. The rule requires that each program must submit a renewal application every-two years to the Board within sixty (60) days prior to December 31 of each even numbered calendar year. If a program fails to timely file a renewal application, the Board shall rescind the approval. Treasure Coast High School forwarded the required information to the Board, received their renewal license and assumed the matter was taken care of. Comments on this petition should be filed with the Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, at the above address or by emailing at Joe.Baker@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-15.007 Approval and Renewal of New Certified Nursing Assistant Training Programs

NOTICE IS HEREBY GIVEN that on March 19, 2019, the Board of Nursing, received a petition for variance and waiver filed by Trecia Meadows, MSN, RN, on behalf of Emerald Coast Technical College from subsection 64B9-15.007(3), F.A.C. The rule requires that each program must submit a renewal application every-two years to the Board within sixty (60) days prior to December 31 of each even numbered calendar year. If a program fails to timely file a renewal application, the Board shall rescind the approval. Emerald Coast received their renewal license on January 24th. If the license was issued by mistake Emerald Coast request that the Board review their request for variance/waiver and reinstate the license. Comments on this petition should be filed with the Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, at the above address or by emailing at Joe.Baker@flhealth.gov.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

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

DATE AND TIME: March 27, 2019, 10:00 a.m. ET

PLACE: R.A. Gray Building, 500 S. Bronough Street, Room #307, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, an Evaluation Committee Public Dissemination of Scores Public meeting is hereby noticed for the following Invitation to Negotiate Number: DOS ITN 10/17-12 (Rebid), titled, Sunbiz COTS Business Registry. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with subsection 287.042(3), Florida Statutes, and need not re-advertise notice in the Florida Administrative Register. Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Vonda Murray, (850)245-6590 or Purchasing@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Vonda Murray, (850)245-6590 or Purchasing@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Vonda Murray, (850)245-6590 or Purchasing@dos.myflorida.com.

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-8.028 Reimbursement Premium Formula

The Florida Hurricane Catastrophe Fund announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2019, 9:00 a.m. (ET) to conclusion of the meeting.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the State Board of Administration to authorize the Florida Hurricane Catastrophe Fund (the Fund) to file a Notice of Proposed Rule for Rule 19-8.028, F.A.C., Reimbursement Premium Formula, and to file this rule for adoption if no member of the public timely requests a rule hearing or if a rule hearing is requested but no Notice of Change is needed. The rule and incorporated form are available on the Fund's website: www.sbafla.com/fhcf.

A copy of the agenda may be obtained by contacting: Not available.

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: Leonard Schulte, Florida Hurricane Catastrophe Fund, (850)413-1335, leonard.schulte@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

The South Florida Regional Planning Council and Village of Palmetto Bay announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2019, 5:00 p.m. – 7:00 p.m.

PLACE: Council Chambers, 9705 E Hibiscus Street, Palmetto Bay, FL 33157

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the preparedness of the Village of Palmetto Bay for the new state statute of Peril of Flood. This meeting will discuss the implications of sea level rise, and storm surge as it pertains to Palmetto Bay's readiness to reduce flood risk and redevelop following a flood. Additionally, this meeting will allow the public to voice concerns and opinions regarding the subject matter.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by writing to the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020.

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 days before the workshop/meeting by contacting: South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; (954)924-3653. If you are hearing or speech impaired, please contact the South Florida Regional Planning Council using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). 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: Corey Aitken of South Florida Regional Planning Council Staff at (954)924-3653 or caitken@sfrpc.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

The Board of Pilot Commissioners Deputy Pilot Advancement Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 27, 2019, 9:30 a.m.

PLACE: 1(888)585-9008, participant pass code: 241687833

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancements.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982. 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: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 29, 2019, 9:00 a.m.

PLACE: 1(888)585-9008, 136-103-141 participant code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business, to include licensure.

A copy of the agenda may be obtained by contacting: <https://floridasclinicallabs.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: 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: Anthony.Spivey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Surgical Care/Quality Assurance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATE) Thursday, April 4, 2019, immediately following the Boards of Medicine and Osteopathic Medicine’s Joint Committee on Medical Marijuana meeting or soon thereafter.

PLACE: Embassy Suites West Palm Beach – Central, 1601 Belvedere Road, West Palm Beach, Florida 33406. The hotel phone number (561)689-6400.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at <https://flboardofmedicine.gov/meeting-information/> for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block website is: <http://embassysuites.hilton.com/en/es/groups/personalized/P/P/BIBRES-XD2-20190403/index.jhtml>. The public rate is \$199 per night and the hotel public block deadline was Monday, March 4 by close of business. Contact the hotel for this rate at (855)429-6850 and give the code XD2 for availability.

A copy of the agenda may be obtained by contacting: Board of Medicine at <https://flboardofmedicine.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 10 days before the workshop/meeting by contacting: Board of Medicine (BOM) Meeting Materials at

BOM.MeetingMaterials@flhealth.gov or call at (850)245-4131. 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: Board of Medicine (BOM) Meeting Materials at BOM.MeetingMaterials@flhealth.gov or call at (850)245-4131.

Gulf Consortium

The Gulf Consortium announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2019, 9:00 a.m. (ET)

PLACE: The Opal Room, Hotel Duval, 415 N Monroe St, Tallahassee, FL 32301

Dial-in Number: 1(646)749-3117, Access Code: 248-531-933

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Gulf Consortium will conduct a Board of Directors meeting, consisting of a SSEP and SEP Grant update, structure discussions, standup audit update, status of grant applications, and other business at the discretion of the Board.

A copy of the agenda may be obtained by contacting: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.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 3 days before the workshop/meeting by contacting: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us.

Citizens Property Insurance Corporation

The Citizens Property Insurance Corporation Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2019, 9:00 a.m.

PLACE: Sheraton Orlando North, 600 N. Lake Destiny Drive, Maitland, FL 32751; Dial In: 1(888)942-8686; Conf. ID: 944 710 6691#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Topics to include but not limited to Board Committee Reports. A copy of the agenda may be obtained by contacting: www.citizensfla.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: Barbara Walker at (850)513-3744; Barbara.walker@citizensfla.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: Barbara Walker, 2101 Maryland Circle, Tallahassee, FL 32303, (850)513-3744, Barbara.walker@citizensfla.com.

Florida Development Finance Corporation
The Board of Directors for the Florida Development Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 29, 2019, 9:00 a.m.
PLACE: Florida Development Finance Corporation, 156 Tuskawilla Road, Suite 2340, Winter Springs, FL 32708 - OR -

Dial-In Information: 1(646)741-5292, Meeting ID: 112 604 4986

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss the following:

- Meeting Minutes: 2/26/19
- Resolution No. 19-10: University of Florida Jacksonville Physicians, Inc.
- Presentation: The Athenian Academy, Inc.

A copy of the agenda may be obtained by contacting: Jennifer Jenkins, FDFC Administrative Coordinator, (407)712-6351.

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 days before the workshop/meeting by contacting: Jennifer Jenkins, FDFC Administrative Coordinator, (407)712-6351. 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: Jennifer Jenkins, FDFC Administrative Coordinator, (407)712-6351.

South Dade Soil and Water Conservation District
The South Dade Soil & Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday March 21, 2019, 9:30 a.m.
PLACE: USDA Florida City Service Center, 1450 N Krome Ave #102, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular Agenda Items for presentation to the Board of Supervisors, Ag Lab Report and District Projects

A copy of the agenda may be obtained by contacting: Wendy Canty, (305)242-1288.

For more information, you may contact: Cooper Mc Millan, (305)242-1288.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF MANAGEMENT SERVICES
Division of Administrative Hearings

NOTICE IS HEREBY GIVEN that Division of Administrative Hearings has received the petition for declaratory statement from Elias Makere. The petition seeks the agency's opinion as to the applicability of 120.57(1)(l) as it applies to the petitioner. Petitioner asks for a declaratory statement on what constitutes the "essential requirements of law" for his pending case docketed at 18-0373. Petitions to intervene or request a hearing must be filed consistent with subsection 28-105.0027(1).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Claudia Llado, Agency Clerk
Please refer all comments to: Claudia Llado, Agency Clerk.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

NOTICE IS HEREBY GIVEN that the Electrical Contractors' Licensing Board has issued an order disposing of the petition for declaratory statement filed by Joseph Kennett, Esq. on November 6, 2018. The following is a summary of the agency's disposition of the petition: The Notice of Petition for Declaratory Statement was published in Vol. 44, No. 226, of the November 16, 2019 Florida Administrative Register. The Petitioner sought a declaratory statement as to whether a license

is required to bury plastic roll duct HDPE conduit, never larger than 2 inches in diameter, which contains either fiber optics or coaxial cable from a point just outside the right-of-way to a point just outside the home on private property. The Board considered the instant Petition at a duly-noticed public meeting held on January 25, 2019 in Fernandina Beach, Florida. The Board’s Order, filed on February 28, 2019, declines to answer this Petition for Declaratory Statement stating that the Petition sets forth various scenarios which are inappropriate for determination by use of a declaratory statement.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Ruthanne Christie, Executive Director, Electrical Contractors’ Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399-0751, Ruthanne.Christie@myfloridalicense.com or by telephoning (850)717-1395.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has received the petition for declaratory statement from First Up Lending LLC. The petition seeks the agency’s opinion as to the applicability of Chapter 494, Florida Statutes, as it applies to the petitioner.

On 2/20/2019, the Florida Office of Financial Regulation (Consumer Finance) received a Petition for Declaratory Statement from First Up Lending LLC. The petition sought a declaratory statement whether its proposed business model (to originate, fund and service loans to commercial enterprises in the amount of \$500,000 to \$3,000,000) falls under the Loan Originator and Mortgage Broker Statute, Chapter 494, Florida Statutes... ***** On 3/19/2019 the Petition was WITHDRAWN.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.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 AGRICULTURE AND CONSUMER SERVICES

Division of Administration

GREENHOUSE ADDITION – CHIEFLAND, FLORIDA

As a contractor, you are invited to submit a bid to the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, hereinafter referred to as owner, for the construction of additional greenhouses at 9870 NW 42nd Court, Chiefland, Florida. The project budget is estimated to be \$700,000.

The contractor shall provide all materials, labor and equipment necessary to successfully complete the project in accordance with the terms and conditions of the Invitation to Bid.

PROJECT NAME AND LOCATION: Greenhouse Addition – Chiefland, Florida located at 9870 NW 42nd Court, Chiefland, Florida.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System, http://www.myflorida.com/apps/vbs/vbs_www.main_menu, Bid Number ITB/PI-18/19-67, or by calling the purchasing office at (850)617-7181.

MANDATORY PRE-BID CONFERENCE/SITE VISIT: Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will

be held at 11:00 a.m., ET, on April 3, 2019, at the Division of Plant Industry, 9870 NW 42nd Court, Chiefland, Florida. During the pre-bid conference, a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Specifications will be available at the mandatory pre-bid conference/site visit.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime; may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Chapter 287, Florida Statutes, for category two, for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION, DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate, who has been placed on the discriminatory vendor list, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not award or perform work as a contractor, supplier, subcontractor or consultant under contract with any public entity and may not transact any business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: Each bid shall be accompanied by a performance bond in the amount of one-hundred percent (100%) of the base bid price.

BID BOND: Each bid shall be accompanied by a bid bond guarantee payable to the Department in the amount of five percent (5%) of the base bid price.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: April 19, 2019, 2:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB-8, Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7181.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

Failure to file a protest within the time prescribed in subsection 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest

is filed, the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C. by the owner.

Section XII Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 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., Thursday, March 14, 2019 and 3:00 p.m., Wednesday, March 20, 2019.

Rule No.	File Date	Effective Date
5P-3.003	3/18/2019	4/7/2019
5P-3.006	3/18/2019	4/7/2019
61H1-20.0093	3/15/2019	4/4/2019
64B3-5.003	3/14/2019	4/3/2019
64B13-15.006	3/14/2019	4/3/2019
64B16-26.351	3/15/2019	4/4/2019
64B16-26.400	3/15/2019	4/4/2019
64B16-28.110	3/15/2019	4/4/2019
64B16-30.003	3/15/2019	4/4/2019
64B33-2.003	3/15/2019	4/4/2019
65C-28.020	3/18/2019	4/7/2019
69I-25.001	3/20/2019	4/9/2019
69I-25.002	3/20/2019	4/9/2019
69I-25.003	3/20/2019	4/9/2019

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-3.009	12/5/2018	**/**/****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

New Country Motor Cars of Naples LLC for the establishment of FERR vehicles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ferrari North America, Inc., intends to allow the establishment of New Country Motor Cars of Naples, LLC d/b/a Ferrari of Naples as a dealership for the sale and service of Ferrari cars (line-make FERR) at 790 Main House Drive, Naples, (Collier County), Florida 34110, on or after April 22, 2019.

The name and address of the dealer operator(s) and principal investor(s) of New Country Motor Cars of Naples, LLC d/b/a Ferrari of Naples are dealer operator(s): Michael Cantanucci, 358 Broadway, #403, Saratoga Springs, New York 12866; principal investor(s): Michael Cantanucci, 358 Broadway, #403, Saratoga Springs, New York 12866.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: David M. Wertheim, Ferrari North America, Inc., 250 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

World Ventures Corp., d/b/a Scooterdomain.com for the establishment of SANY motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-Sym, Inc., intends to allow the establishment of World Ventures Corp., d/b/a Scooterdomain.com as a

dealership for the sale of motorcycles manufactured by Sanyang Industry Co., Ltd. (line-make SANY) at 15160 Southwest 136th Street, Unit # 5, Miami, (Miami-Dade County), Florida 33196, on or after April 22, 2019.

The name and address of the dealer operator(s) and principal investor(s) of World Ventures Corp., d/b/a Scooterdomain.com are dealer operator(s): Gabriel Rene Azcunce, 15160 Southwest 136th Street, Unit # 5, Miami, Florida 33196-2663; principal investor(s): Gabriel Rene Azcunce, 15160 Southwest 136th Street, Unit # 5, Miami, Florida 33196-2663.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gene Chang, Alliance-Sym, Inc., 3788 Milliken Avenue, Unite C, Eastvale, California 91752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

Hospital Licensure

RULE NO.: RULE TITLE:

59A-3.248 Pediatric Cardiac Programs

Pursuant to subsection 120.74(5), F.S., the Agency is filing this Notice of Extension for publishing a notice of proposed rule regarding Section 395.1055, F.S., as identified in the Agency's 2018 Regulatory Plan. The new statutory provisions require the Agency in consultation with the pediatric cardiac technical advisory panel, to establish standards for pediatric cardiac catheterization and pediatric cardiovascular surgery programs. The new rule requires substantial review and consideration of the panel recommendations as the rule language is being finalized.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On March 19, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Kimberly Wick Mayfield, R.N., License # RN 9330287. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On March 19, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Patricia Ann Capella, R.N., License # RN 9269966. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On March 19, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the certificate of Brittney A. Powell, C.N.A., Certificate # CNA 322426. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On March 20, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Susan L. Filabaum, R.N., License # RN 9333475. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State

Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

Notice of Emergency Action

On March 20, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Janet Sue Cohen, O.T.A., License # OTA 10114. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

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**Section XIII
Index to Rules Filed During Preceding
Week**

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