

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE NO.:**       **RULE TITLE:**  
40D-8.624       Guidance and Minimum Levels for Lakes  
**PURPOSE AND EFFECT:** The purpose is to amend Rule 40D-8.624 F.A.C., to delete the previously adopted guidance levels, and adopt new minimum and guidance levels for Big Fish Lake located in Pasco County.

**SUBJECT AREA TO BE ADDRESSED:** Establish guidance and minimum levels for Big Fish Lake pursuant to Section 373.042, F.S.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.036, 373.042, 373.0421, 373.086, 373.709 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.**

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702 or email to ADACoordinator@swfwmd.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:** Doug Leeper, MFLs Program Lead, SWFWMD, 7601 U.S. Highway 301 North, Tampa, FL 33637, (813)985-7481 (ext. 4272). A2016073-1

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE NO.:**       **RULE TITLE:**  
40D-8.624       Guidance and Minimum Levels for Lakes  
**PURPOSE AND EFFECT:** The purpose is to amend Rule 40D-8.624 F.A.C., to delete the previously adopted guidance

levels, and adopt new minimum and guidance levels for Lake Clinch located in Polk County.

**SUBJECT AREA TO BE ADDRESSED:** Establish guidance and minimum levels for Lake Clinch pursuant to Section 373.042, F.S.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.036, 373.042, 373.0421, 373.086, 373.709 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.**

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702 or email to ADACoordinator@swfwmd.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:** Doug Leeper, MFLs Program Lead, SWFWMD, 7601 U.S. Highway 301 North, Tampa, FL 33637, (813)985-7481 (ext. 4272). A2015038-3

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

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

**RULE NO.:**       **RULE TITLE:**  
65C-16.017       Florida Adoption Reunion Registry  
**PURPOSE AND EFFECT:** The Department intends to amend Rule 65C-16.017, F.A.C., and delete provisions regarding fees for service.

**SUBJECT AREA TO BE ADDRESSED:** Florida Adoption Reunion Registry

**RULEMAKING AUTHORITY:** 63.233, FS.

**LAW IMPLEMENTED:** 63.165, 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: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-35.001	Definitions
65C-35.002	Behavioral Health Services
65C-35.003	Parent or Legal Guardian Involvement
65C-35.004	Caregiver Involvement
65C-35.005	Child Involvement in Treatment Planning
65C-35.006	Taking a Child Into Custody Who Is Taking Psychotropic Medication
65C-35.007	Authority to Provide Psychotropic Medications to Children in Out-of-Home Care Placements
65C-35.008	Parent or Legal Guardian Declines to Consent to or Withdraws Consent for the Provision of Psychotropic Medication
65C-35.009	Parent or Legal Guardian Rights Terminated; Parent or Legal Guardian Refuses to Participate; or Parent or Legal Guardian Location or Identify Unknown
65C-35.010	Emergency Administration of Psychotropic Medication
65C-35.011	Medication Administration and Monitoring
65C-35.012	Requests for Second Opinions
65C-35.013	Medical Report

PURPOSE AND EFFECT: The Department intends to amend Rules 65C-35.001-.013, F.A.C., to accomplish the following: (1) Incorporate documents; (2) Add definitions; (3) Specify the efforts that must be made in obtaining consent and caregiver involvement; (4) Delete unnecessary rule provisions; (5) Clarify when a Medical Report must be completed; (6) Repeal rules and incorporate relevant provisions in other rules; (7) Add requirements regarding medication monitoring and administration; (8) Specify when pre-consent reviews must be sought; and (9) Add a training rule.

SUBJECT AREA TO BE ADDRESSED: Psychotropic Medication for Children in Out-of-Home Care

RULEMAKING AUTHORITY: 39.0121, 39.407(3)(g), FS.

LAW IMPLEMENTED: 39.407(1)-(3), 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: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Aquatic Plants**

RULE NOS.:	RULE TITLES:
68F-20.0015	Definitions
68F-20.002	Permits - Applications
68F-20.0035	Waters Exempt from Permitting
68F-20.0045	Criteria for Issuing, Modifying or Denying Permit Applications
68F-20.0055	Management Method Criteria and Standards, Operations and Reporting Requirements
68F-20.006	Delegation of Aquatic Plant Control Permitting to Local Governments
68F-20.0075	Penalties

PURPOSE AND EFFECT: The purpose and effect of this rule amendment effort is to eliminate unnecessary definitions and add appropriate definitions; codify an on-line permitting process; reduce the regulatory burden on the public; and reduce duplicative permitting between the state and local governments.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include rule definitions, permit application process, exemptions from permit requirements, delegation of permitting authority, and penalties.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 369.20, 369.22, 379.501, 379.502, 379.503, 379.504 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 369.20, 369.22, 379.501, 379.502, 379.503, 379.504 and 403.088 FS.

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

DATES AND TIMES: January 30, 2017, 6:00 p.m. – 8:00 p.m.; January 31, 2017, 5:30 p.m. – 7:30 p.m.; February 1, 2017, 6:00 p.m. – 8:00 p.m. & February 2, 2017, 6:00 p.m. – 8:00 p.m.

PLACE: Lakeland Public Library, 100 Lake Morton Dr., Lakeland, FL 33801 (January 30); Orlando Public Library/Cypress Room, 101 E. Central Blvd., Orlando, FL 32801 (January 31); Gainesville Public Library/Tower Road Branch, 3020 SW 75th St., Gainesville, FL 32608 (February 1) & Marjorie and Archie Carr Building/Room 170, 3800 Commonwealth Blvd., Tallahassee, FL 32399 (February 2)

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rob Kipker, Invasive Plant Management Section, Fish and Wildlife Conservation Commission, 3800 Commonwealth Blvd. Mail Station 705, Tallahassee, Florida 32399-3000, (850)617-9430, or email rob.kipker@myfwc.com. Preliminary text may be obtained from the following website: <http://myfwc.com/wildlifehabitats/invasive-plants/>

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 EDUCATION

#### State Board of Education

RULE NO.:        RULE TITLE:

6A-1.099814    Principal Autonomy Pilot Program Initiative  
**PURPOSE AND EFFECT:** To set forth the principal autonomy pilot program pursuant to section 1011.6202, Florida Statutes, by delineating the responsibilities of the school, school district, and Florida Department of Education (Department); establishing timelines and expectations for the program; setting forth submission and approval criteria for district proposals; and prescribing reporting requirements to review and evaluate the progress of participating districts and schools.

**SUMMARY:** The proposed rule outlines the application process for eligible school districts, which provides for technical assistance from the Department during drafting and review; clarifies that schools currently implementing a State Board of Education-approved turnaround plan under Rule 6A-1.099811, F.A.C., are not eligible to participate; establishes requirements for the school district proposal, proposal approval criteria, and deadlines for deliverables that must be received to begin implementation in the following school year; and requires school districts to submit deliverables throughout implementation, including quarterly and annual district reports, to maintain 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: After analysis of the proposed rule’s potential economic impact, it was determined that the adverse impact or regulatory cost, if any, does not exceed nor would it be expected to exceed the economic analysis criteria set forth 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:** 1011.6202, FS.

**LAW IMPLEMENTED:** 1011.6202, FS.

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

**DATE AND TIME:** January 18, 2017, 9:00 a.m.

**PLACE:** Martin County School Board Office, 500 East Ocean Boulevard, Stuart, FL 34994.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shannon Houston, Senior Educational Programs Director, Bureau of School Improvement, Florida Department of Education, 325 West Gaines Street, Suite 314, Tallahassee, FL 32399, (850)6A-1.099814245-0007 or [shannon.houston@fldoe.org](mailto:shannon.houston@fldoe.org).

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099814 Principal Autonomy Pilot Program Initiative.

(1) Purpose. The purpose of this rule is to set forth the requirements for the principal autonomy pilot program pursuant to section 1011.6202, F.S.

(2) Application Process. Each eligible school district pursuant to section 1011.6202(1), F.S., seeking to participate shall submit a proposal that meets the requirements of subsection (3) of this rule to the Florida Department of Education (Department) by the Department’s prescribed deadline.

(3) Proposal Requirements. The district proposal, at a minimum, shall:

(a) Identify three (3) schools that received at least two (2) school grades of “D” or “F” pursuant to section 1008.34, F.S., during the previous three (3) school years (i.e., 2015-16, 2014-15, and 2013-14) and are not implementing a State Board of Education-approved turnaround plan under Rule 6A-1.099811, F.A.C.;

(b) Provide assurance that a principal who has earned a highly effective rating on the prior year’s performance evaluation pursuant to section 1012.34, F.S., will be identified and assigned to each participating school;

(c) Provide assurance that the principal and a three-member leadership team from each participating school, and school district personnel working with each participating school will enroll in and complete a nationally recognized school turnaround program that:

1. Is evidence-based;

2. Has a demonstrated record of positive impact on student achievement and school management;

3. Has been in existence for at least five (5) calendar years; and

4. Focuses on improving leadership, instructional infrastructure, talent management, and differentiated support and accountability;

(d) Provide assurance that the additional appropriation provided for the principal of each participating school pursuant to section 1011.6202(7), F.S., will be used as an annual salary supplement, if eligible; a fund to be used at the principal’s discretion; or a combination thereof;

(e) Describe the current financial and administrative management of each participating school;

(f) Provide assurance that the areas in which each participating principal will have increased fiscal and administrative autonomy, including the authority and responsibilities provided in section 1012.28(8), F.S., will be identified;

(g) Provide assurance that a description of how the increased autonomy of principals will help participating schools improve student achievement and school management will be provided;

(h) Provide assurance that the areas in which each participating school will continue to follow district school board fiscal and administrative policies will be identified;

(i) Provide assurance that a district process for participating principals to request additional fiscal and administrative autonomy will be established;

(j) Provide assurance that each participating school will receive at least ninety (90) percent of the funds generated by the school based upon the Florida Education Finance Program and General Appropriations Act pursuant to section 1011.69(2), F.S.;

(k) Provide each participating school’s mission statement;

(l) Describe each participating school’s student population;

(m) Describe the methods used to identify the educational strengths and needs of the students at each participating school, and provide a summary of the needs assessment results;

(n) Identify how student achievement can be improved at each participating school; and

(o) Establish performance targets for student achievement, as defined in section 1008.34(1), F.S., that will result in a school grade of “C” or higher at each participating school by the end of the 2018-19 school year.

(4) Proposal Approval Criteria. The State Board shall approve a district proposal when the proposal:

(a) Is submitted by the Department’s prescribed deadline;

(b) Fulfills the requirements of subsection (3) of this rule;

(c) Demonstrates that the school district has not been declared to be in a state of financial emergency, as determined pursuant to section 218.503, F.S., during the previous three (3) fiscal years; and

(d) Is found by the Board to create the conditions necessary to meet the school district’s performance goals established pursuant to paragraph (3)(o) of this rule for each participating school.

(5) Term of Approval and Revocation.

(a) A successful district proposal shall receive approval for a period of three (3) years.

(b) If a school district fails to submit any of the deliverables required by subsection (6) of this rule, the State Board shall, after the second request following the deadline, revoke the school district’s authorization to participate in the pilot program.

(6) Documentation Requirements for Approved Applicants. Each participating school district shall submit the following deliverables to the Department:

(a) The name of the highly effective principal assigned to each participating school;

(b) A description of how the additional appropriation provided for the principal of each participating school pursuant to section 1011.6202(7), F.S., will be used;

(c) The name of the nationally recognized school turnaround program to which the school district will apply, and documentation that the program meets the requirements of subparagraphs (3)(c)1.-4. of this rule;

(d) The names and position titles of the school and district personnel who have enrolled in the selected school turnaround program;

(e) A description of the areas in which participating principals will have increased fiscal and administrative autonomy, including the authority and responsibilities provided in section 1012.28(8), F.S., that includes a rationale

of how the increased autonomy will help the selected schools improve student achievement and school management:

(f) A description of the areas in which each participating school will continue to follow district school board fiscal and administrative policies;

(g) A description of the process established by the district for participating principals to request additional fiscal and administrative autonomy, and documentation that the process has been communicated to principals; and

(h) The annual school improvement plan for each participating school and documentation of stakeholder engagement in the process.

(7) Program Reporting and Evaluation. To aid the commissioner with an evaluation of the pilot program and a report to the Florida Legislature, the following reports shall be produced:

(a) The principal of each participating school shall provide the school district with an annual budget for the operation of the school that identifies how funds provided pursuant to section 1011.69(2), F.S., are allocated. The budget shall be included in the district report required by paragraph (7)(b) of this rule.

(b) The school district shall submit quarterly and annual reports to the Department on the implementation of the pilot program in all participating schools.

(8) Notice of Deadlines and Submission Requirements. The Department shall publish a schedule of deadlines for the application process set forth in subsection (2) of this rule, the documentation requirements set forth in subsection (6) of this rule, and the reporting requirements set forth in subsection (7) at <https://www.fl DOE.org>. Except for the application process, the published deadlines shall allow a minimum of thirty (30) calendar days from the notice for submission.

Rulemaking Authority 1011.6202 FS. Law Implemented 1011.6202 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Hershel Lyons, Chancellor, K-12 Public Schools.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 18, 2016

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-4.0021 Florida Teacher Certification Examinations

PURPOSE AND EFFECT: To adopt new Florida Teacher Certification Examinations (FTCE) competencies and skills, effective October 1, 2017, for Art K–12; adopt new passing scores effective March 1, 2017, for the following examinations: Preschool Education (Birth–Age 4) and Reading K–12; and update rule language to align with current practice. The effect will be changes to the affected FTCE competencies and skills; and new passing score requirements for the affected examinations.

SUMMARY: The rule is proposed for amendment to adopt the “Competencies and Skills Required for Teacher Certification in Florida, Twenty-Fourth Edition.” In addition, new passing score requirements for two (2) FTCE subject area examinations will be adopted.

**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: 1) no requirement for SERC was triggered under section 120.541(1), F.S., and; 2) no new fees are imposed in the proposed rule. Although an indeterminate increase in the number of examinees who are required to retake the examination(s) is predicted, the expected number of examinees and the resulting fees for the examinations will not approach the threshold for 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: 1012.56, FS.

LAW IMPLEMENTED: 1012.56, FS.

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

DATE AND TIME: January 18, 2017, 9:00 a.m.

PLACE: Martin County School Board Office, 500 E. Ocean Blvd. Stuart, FL 34994.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of

Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850) 245-0513.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of English language skills, reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple-choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. ~~Between June 1, 2016 and August 31, 2017 Before September 1, 2017~~, the general knowledge competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Second Edition,"

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-05515>), which is incorporated by reference and made part of this rule effective June 1, 2016. ~~Between Beginning September 1, 2017 and September 30, 2017~~, the general knowledge competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Third Edition," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07092>), which is incorporated by reference and made part of this rule effective September 1, 2017. Beginning October 1, 2017, the general knowledge competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Fourth Edition,"(DOS link), which is incorporated by reference and made part of this rule effective October 1, 2017. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

2. ~~Between June 1, 2016 and August 31, 2017 Before September 1, 2017~~, the professional education competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Second Edition," ([http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-05515)

05515), which is incorporated by reference and made part of this rule effective June 1, 2016. ~~Between Beginning September 1, 2017 and September 30, 2017~~, the professional education competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Third Edition," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07092>), which is incorporated by reference and made part of this rule effective September 1, 2017. Beginning October 1, 2017, the professional education competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Fourth Edition,"(DOS link), which is incorporated by reference and made part of this rule effective October 1, 2017. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

3. ~~Between June 1, 2016 and August 31, 2017 Before September 1, 2017~~, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Second Edition,"

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-05515>), which is incorporated by reference and made part of this rule effective June 1, 2016. ~~Between Beginning September 1, 2017 and September 30, 2017~~, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Third Edition," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07092>), which is incorporated by reference and made part of this rule effective September 1, 2017. Beginning October 1, 2017, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twenty-Fourth Edition,"(DOS link), which is incorporated by reference and made part of this rule effective October 1, 2017. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) through (8) No change.

(9) Scoring of the subject area specialty examinations.

(a) The Commissioner of Education shall recommend to the Florida State Board of Education for its approval a passing score or scores required for each subject area specialty examination. Such required scores shall take effect when designated by the State Board.

(b) through (v) No change.

(w) Effective January 1, 2015, the passing score for the subject area specialty examinations listed below shall be a

scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between April and June 2014:

SUBJECT	SCORE
Computer Science K-12	85 correct items
Engineering and Technology Education 6-12	89 correct items

(x) through (y) No change.

(z) Effective March 1, 2017, the passing score for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between May and July 2016:

SUBJECT	SCORE
Preschool Education (Birth–Age 4)	85 correct items
Reading K–12	85 correct items

~~(aa)(z)~~ The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the professional education test not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(10) Score reports for the general knowledge essay, english language skills, reading, and mathematics subtests, professional education test, and subject area examinations.

(a) A properly authenticated score report is defined as the original score report issued directly by the test administration agency without any qualification, reservation, or irregularity.

(b) The examinee shall be sent an authenticated score reports as described in paragraph 6A-4.0021(10)(a), F.A.C. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida institution (i.e., college, university, or professional district certification program) ~~college or university and to one (1) Florida school district~~ provided the examinee identifies the recipient or recipients of the score report at the time of registration.

(c) through (e) No change.

(11) through (12) No change.

*Rulemaking Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.55, 1012.56, 1012.59 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07, 5-19-08, 7-21-08, 7-9-09, 6-22-10, 6-21-11, 11-*

*22-11, 8-23-12, 5-21-13, 10-22-13, 2-25-14, 12-23-14, 7-28-15, 10-26-15, 7-26-16, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Juan Copa, Deputy Commissioner, Division of Accountability, Research and Measurement.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education.

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.: 6A-4.008  
RULE TITLES: Specialization Requirements for Certification in Administration of Adult Education - Administrative Class

6A-4.0081 Florida School Leaders Certification  
PURPOSE AND EFFECT: Revise Rule 6A-4.008, F.A.C., to align the administration of adult education subject specialization to content preparation required for prospective educators. Repeal Rule 6A-4.0081, F.A.C., since it is duplicative of Rule 6A-5.081, F.A.C., Approval of School Leadership Programs.

SUMMARY: Rule 6A-4.008, F.A.C. — Requires a professional certificate in one of Florida’s administrative coverages (elementary or secondary administration, educational leadership, school principal, or career and technical director) for all plan options; eliminates one of four plan options to meet subject specialization in administration with adult education due to new requirement to hold a professional certificate in an administrative area.

**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: These proposed rules are not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S. The proposed rule revisions do not impose new costs on any

stakeholder and are 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: 1001.02, 1012.55, 1012.56, FS.

LAW IMPLEMENTED: 1001.02, 1012.55, 1012.56, FS.

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

DATE AND TIME: January 18, 2017, 9:00 a.m.

PLACE: Martin County School Board Office, 500 E. Ocean Blvd. Stuart, FL 34994.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David LaJeunesse, Chief of Educator Certification, 325 W. Gaines St, Suite 201, Tallahassee, FL 32399, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.008 Specialization Requirements for Certification in Administration of Adult Education – Administrative Class.

To be eligible for certification in administration of adult education, an applicant shall complete the requirements specified below:

(1) Hold a professional certificate covering elementary or secondary administration, educational leadership, school principal, or career and technical director as specified in 6A-4.004, F.A.C.;

(2) Submit verification of three (3) years of full-time teaching experience as specified in paragraph 6A-4.002(5)(a), F.A.C.; and,

(3) Complete one (1) of the following plans:

(a) Plan One. Hold a master’s or higher degree with a graduate degree major in administration of adult education; or

(b) Plan Two. Hold a master’s or higher degree with a graduate degree major in educational administration, administration and supervision, or educational leadership, and complete at least six (6) semester hours of graduate credit as specified below:

1. Three (3) semester hours in organization and administration of adult education; and,

2. Three (3) semester hours in principles of adult education, adult education curriculum, supervision of adult education, or methods and materials in adult instruction; or

(c) Plan Three. Hold a master’s or higher degree and complete graduate credit as specified below:

1. Nine (9) semester hours in school administration which includes at least three (3) semester hours in organization and administration of adult education;

2. Three (3) semester hours in basic school supervision or supervision of adult education; and,

3. Six (6) semester hours in curriculum which includes at least three (3) semester hours in adult education curriculum; ~~or~~

~~(d) Plan Four. Hold a professional certificate covering elementary or secondary administration or educational leadership and complete at least six (6) semester hours of graduate credit as specified below:~~

~~1. Three (3) semester hours in organization and administration of adult education; and,~~

~~2. Three (3) semester hours in principles of adult education, adult education curriculum, supervision of adult education, or methods and materials in adult instruction.~~

Rulemaking Authority 1001.02, 1012.55, 1012.56, ~~1012.56~~ FS. Law Implemented 1001.02, 1012.55, 1012.56 FS. History–New 4-20-64, Amended 4-8-68, 7-7-68, 4-11-70, 6-17-74, 8-17-74, Repromulgated 12-5-74, Amended 7-1-79, Formerly 6A-4.08, Amended 10-31-88,

6A-4.0081 Florida School Leaders Certification.

Rulemaking Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.55, 1012.56 FS. History–New 7-1-86, Formerly 6A-4.081, Amended 7-1-86, 10-31-88, 7-1-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hershel Lyons, Chancellor, K-12 Public Schools.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 6, 2016

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

RULE NO.: 6M-4.400 RULE TITLE: Required Parent Co-payment

PURPOSE AND EFFECT: The purpose of the revised rule is to revise the school readiness program parent co-payment requirements to comply with federal and statutory mandate.

SUMMARY: The revised rule will update and clarify the process for parent co-payment for the school readiness program.

**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 office's economic analysis of the adverse impact or potential regulatory costs of the proposed rule does not exceed any of the criteria established in s. 120.541(2)(a), F.S. This rule clarifies the processes for parental co-payment obligation and provider reimbursement for the school readiness program.

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: 1001.213(2), 1002.82(2)(m) FS.

LAW IMPLEMENTED: 1002.82(2)(m), (6), 1002.84(7), (8), (10), 1002.87(2), 1002.88, 1002.91, 1002.97(3) FS.

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

DATE AND TIME: Tuesday, January 17, 2016, 1:00 p.m. – 2:00 p.m. EST, or at the conclusion of business whichever is earlier

PLACE: via GoToWebinar only. To register for the webinar, please visit:  
[http://www.floridaearlylearning.com/statewide\\_initiatives/laws\\_and\\_rules/proposed\\_rules.aspx](http://www.floridaearlylearning.com/statewide_initiatives/laws_and_rules/proposed_rules.aspx)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Katerina Maroney (850)717-8614; Katerina.maroney@oel.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Katerina Maroney, School Readiness Policy Supervisor, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8614; Katerina.maroney@oel.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 6M-4.400 follows. See Florida Administrative Code for present text.

6M-4.400 Required Parent Co-payment.

(1) Sliding fee scale. Each coalition shall implement a sliding fee scale and co-payment policies for families receiving school readiness services.

(a) A coalition's sliding fee scale must be set at a level that provides economically disadvantaged families equal access to the care available to families whose income is high enough not to qualify for school readiness services. A coalition must submit their proposed sliding fee scale to the Office of Early Learning (OEL) for approval. The OEL shall review the sliding fee scale to determine that the scale is reflective of the annually released income limits, has an effective date no later than July 1st of that year, and that parent co-payments do not exceed 10 percent of the family's income, regardless of the number of children in care, during the authorized 12-months of eligibility. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must provide justification of how the sliding fee scale meets the federal requirement that the co-payment be affordable, prior to approval of the proposed sliding fee scale by the OEL.

(b) The coalition's co-payment policy shall be submitted with the coalition's sliding fee scale as part of the coalition's approved plan per Rule 6M-9.115, F.A.C.

(2) Co-payment Assessment. Each family that receives school readiness services shall be assessed a co-payment based on family size, the hours of care needed, and the family's income, according to the sliding fee scale approved by the Office of Early Learning (OEL) as described in subsection (1).

(a) If a child is authorized for part time care, the parent shall be assessed a part time co-payment. If a child is authorized for full time care, the parent shall be assessed a full time co-payment. A parent with two or more children receiving school readiness services may receive a co-payment discount for the second and any subsequent child in their care based on the coalition's approved sliding fee scale. When a discount is applied, the youngest child must be assessed a full co-payment based on the approved sliding fee scale and the hours of care needed.

(b) When a child's normal schedule of care is based on the school year schedule and the child is authorized school readiness part time care during the school year and attends a full time day at the school readiness program on a school holiday or school closure, the parent shall pay the part time co-payment. During the summer break, if said child attends full time, the parent shall pay the full time co-payment.

(c) Co-payments for at-risk families as defined in s.1002.81 (1), shall be assessed at the initial child care authorization. A coalition may waive a co-payment for an at-risk child(ren) in accordance with subsection (6).

(d) A co-payment shall not be equal to or greater than the providers private pay rate.

(e) A family may submit documentation at any time during the eligibility authorization period to decrease the co-payment.

(3) Graduated Phase-out. At the end of the initial 12-month eligibility period at redetermination, if a family's income is above 150 percent of the Federal Poverty Level (FPL), but at or below 85 percent of the State Median Income (SMI), the parent shall be assessed a co-payment that is based on family size, the hours of care needed, and the family's income. As the family's income increases the co-payment shall gradually increase based on the approved sliding fee scale. If a family's income exceeds 85% of the SMI, the coalition shall notify the family that the family is no longer eligible to receive school readiness services and will be terminated two weeks from the date of the termination notice, as long as the two-week period does not extend beyond the family's authorized eligibility period. At the end of the initial 12-month eligibility period at redetermination, if a family's income remains at or below 150 percent of the FPL, the family will remain eligible pursuant to Rule 6M-4.200, F.A.C., and will not be subject to the graduated phase-out criteria.

(a) During graduated phase-out, the school readiness child care funding will be authorized for 12-months from the redetermination date. At redetermination the coalition shall provide written notice to the family and provider of the required co-payment for the 12-month period to be paid by the parent to the provider. The notice shall inform the parent that the co-payment shall increase as the family's income increases.

(b) After the initial 12-month eligibility period, during all subsequent eligibility periods, the family shall report any changes in family size or income to the coalition within ten (10) calendar days. The coalition shall adjust the family's co-payment based on the reported information and shall notify the family and provider of any changes within ten (10) calendar days.

(4) Parent and provider notification. Prior to a child's enrollment at the child care provider, the coalition shall issue a payment certificate to the parent to submit to an eligible child care provider. The payment certificate includes the co-payment to be paid by the parent to the school readiness provider. The coalition must notify the parent that additional fees which are charged by the provider may apply. If a child is enrolled with more than one provider, a co-payment must be assessed for each authorized provider.

(5) Co-payment collection. The co-payment amount for which the family is responsible shall be subtracted from the provider's reimbursement, prior to payment by the coalition or its designee. Collection of the family's required co-payment

for school readiness services shall be the responsibility of the provider of school readiness services in accordance with Section 1002.84(8), F.S.

(a) The provider shall provide written notice of the co-payment due date. The parent co-payment shall be collected within ten (10) calendar days of the provider's payment due date. The provider must give the parent a receipt for each co-payment made by the parent and retain receipt records for all child care co-payments.

(b) The provider shall document outstanding parent co-payment balances. The provider shall provide written notification to the parent of the current outstanding co-payment balance within fifteen (15) calendar days of the provider's payment due date. This notification shall be provided at least on a monthly basis as long as there is a co-payment balance. Outstanding parent copayments will be subject to the provider's payment policies.

(6) Co-payment waivers. The coalition may waive the parent co-payment on a case-by-case basis. Each coalition must include a list of qualifying events in its coalition plan and outline the procedure for obtaining a waiver of a co-payment.

(a) At-risk co-payment waivers. A co-payment may be waived on a case-by-case basis for families participating in an at-risk program as defined in s.1002.81(1), F.S. The request for the co-payment waiver must be documented in the case file.

(b) Temporary co-payment waivers. A co-payment may be temporarily waived on a case-by-case basis for families with income at or below 100 percent of the federal poverty level during an event that limits a parent's ability to pay in accordance with Section 1002.84(8), F.S. The request for the co-payment waiver must be documented in the case file during the initial authorization for care and at each redetermination.

(7) Transfers. A parent may not transfer his or her child to another school readiness program provider until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the co-payment obligation related to school readiness program. All transfers, except at-risk protective services clients, must be approved by the coalition. Provider transfers for at-risk protective services clients must be approved by the Child Welfare Program Office of the Department of Children and Families and done in accordance with rule 65C-13.030(2)(d), FAC for children in licensed out-of-home foster care.

(a) If the referenced documentation is not available, the coalition shall contact the provider to determine compliance and document compliance as reported by the provider. Satisfactory fulfillment of the co-payment obligation will be defined as immediate payment of the outstanding co-payment obligation or establishment of a repayment plan for the

outstanding co-payment obligation. The coalition shall authorize the transfer once the copayment obligation has been satisfactorily fulfilled.

(b) If a parent of an at-risk child defined in s. 1002.81 (1), F.S., is unable to satisfactorily fulfill the co-payment obligation prior to transfer, the provider shall attempt to arrange a repayment plan with the at-risk child's parent. If the provider is unable to arrange a payment plan with the at-risk child's parent, the provider shall document the repayment attempt and submit to the coalition. The coalition shall report the parent's intent to transfer child care providers to the Child Welfare Program Office of the Department of Children and Families or the community-based lead agency.

(8) Co-payment changes. A parent co-payment shall not be increased during the initial 12-month eligibility authorization period. The amount of co-payment assessed shall be in effect for the family's authorized eligibility period, unless:

(a) The parent or referring agency requests and the coalition grants a waiver of the assessed co-payment specified in subsection (5); or

(b) An incorrect co-payment was assessed by the eligibility determiner as a result of an error of the eligibility determiner, program participant error, or program participant fraud, resulting in corrective action to reduce or increase the family's co-payment; or

(c) An employment status, income or family size results in a lower parent copayment; or

(d) The authorized hours of care changes.

(e) Co-payments during subsequent eligibility periods may be increased or decreased based on the family's income and size.

(9) Coalition co-payment errors. The coalition shall not take action to recover an incorrect co-payment caused by an incorrect co-payment made due to an error of the coalition or its designee. Once the error is discovered, the coalition must correct the error and apply the corrected co-payment. The coalition shall notify the parent within ten (10) calendar days of changes to the co-payment. This notification must be documented.

(10) Co-payment recovery. In cases when a reimbursement overpayment is caused by an incorrect co-payment assessment which resulted from parent error or parent fraud, the coalition shall attempt to recover the overpayment and document attempts. If the coalition is unsuccessful in recovery of the overpayment, the coalition shall notify the Office of Early Learning and submit documentation as necessary in accordance with the ELC's approved anti-fraud plan.

Rulemaking Authority 1001.213(2) FS. Law Implemented 1002.84(8) FS. History—New 2-2-05, Formerly 60BB-4.400, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Katerina Maroney, School Readiness Policy Supervisor  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Rodney J. MacKinnon, Executive Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2016  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 23, 2016

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40A-44.051	Exemptions
40A-44.052	Authorization for Certain Forestry Projects
40A-44.091	Processing of Permits
40A-44.101	Content of Application
40A-44.331	Modification of Permits
40A-44.341	Revocation of Permits
40A-44.351	Transfer of Permits

PURPOSE AND EFFECT: The overall purpose of this rule amendment is to update rule references and incorporate a form.

SUMMARY: This rule development will cover updating rule references and incorporating form A-44D.

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

The agency has determined that this rule will not have an adverse impact on small business or 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 District.

The District 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 here: Upon review of the proposed changes to the rule and incorporated forms, the District has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.418, 373.813, 380.06, FS.

LAW IMPLEMENTED: 373.116, 373.118, 373.406, 373.406(5), 373.413, 373.4141, 373.416, 373.416(2), 373.418, 373.423, 373.426, 373.429, 380.06, 380.06(9), 403.813, 403.927(3), 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: Selina Potter, Bureau Chief, Northwest Florida Water Management District, Bureau of Performance and Compliance Improvement, 152 Water Management Drive, Havana, FL 32333, (850)539-5999, selina.potter@nfwwater.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40A-44.051 Exemptions.

(1) No change.

(2) Projects permitted pursuant to this chapter are exempted from the provisions of Chapter ~~62-330~~ 40A-4, F.A.C., as long as the land served by the project continues to be used for agriculture or forestry.

Rulemaking Authority 373.044, 373.113, 373.171, 373.418, 373.813 FS. Law Implemented 373.416, 373.406, 373.413, 373.418, 373.426, 403.813 FS. History–New 10-1-84, Amended \_\_\_\_\_.

40A-44.052 Authorization for Certain Forestry Projects.

(1) through (4) No change.

(5) If at any time the District discovers that an Authorization has been used to conduct minor forestry works which do not qualify for an Authorization under this section, or an authorized activity is not being conducted in accordance with the conditions described in this section, the District shall either require application for a permit pursuant to Chapter ~~62-330~~ 40A-4, 40A-6 or 40A-44, F.A.C., or shall take administrative or judicial enforcement action, or any combination thereof, as it deems appropriate.

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.118, 373.406(5), 373.413, 373.416, 373.426 FS. History–New 10-1-84, Amended 9-15-86, 8-1-89, 7-1-92, 8-6-13, \_\_\_\_\_.

40A-44.091 Processing of Permits.

(1) No change.

(2) General surface water management permits for projects other than impoundments constructed in waters in the State shall be processed in accordance with all applicable provisions of Chapter 40A-1, F.A.C., and may be issued by the Executive Director or his designee after the submitted application is determined to be complete and meets the requirements of this chapter. ~~However, upon a determination that the District and its resources would be better served, the~~

~~Executive Director may require any application to be referred to the Governing Board for approval.~~

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.116, 373.118, 373.406, 373.413, 373.4141, 373.416, 373.426, 380.06(9) FS. History–New 10-1-84, Amended 7-1-92, 7-1-98, 8-6-13, \_\_\_\_\_.

40A-44.101 Content of Application.

(1) Applications for permits required by this chapter shall include:

(a) through (f) No change.

(g) An inventory of endangered or threatened species, and species of special concern known to occur on the site, as listed pursuant to Rules 5B-40.0055, ~~and~~ 68A-27.003-, ~~and~~ 68A-27.005, F.A.C.; Section 581.185(2)(b) and (h), F.S.; and 50 CFR 17.11-12; and,

(h) No change.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.116, 373.118, 373.406(5), 373.413, 373.416, 373.426 FS. History–New 10-1-84, Amended 7-1-92, 8-6-13, \_\_\_\_\_.

40A-44.331 Modification of Permits.

An application for modification of a surface water management permit shall be processed in accordance with this rule, unless otherwise revoked, suspended or expired.

(1) No change.

(2) Applications to modify Individual Surface Water Construction or Individual Operation and Maintenance permits may be made;

(a) No change.

(b) By letter, provided the requested modification does not:

1. through 5. No change.

6. Exceed water quality standards at points of discharge as provided in Chapters ~~62-302~~ and 62-4, F.A.C.

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.418, 380.06 FS. Law Implemented 373.118, 373.406(5), 373.413, 373.416, 373.426, 373.429, 380.06 FS. History–New 10-1-84, Amended 7-1-98, \_\_\_\_\_.

40A-44.341 Revocation of Permits.

(1) No change.

(2) The conversion of a project to any use other than forestry or agriculture shall result in the revocation of the permit and be subject to the applicable provisions of Chapter 403, F.S., and Chapter ~~62-330~~ 40A-4, F.A.C.

(a) through (b) No change.

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.423, 373.429 403.927(3) FS. History–New 10-1-84, Amended 8-1-89, 7-1-92, 7-1-98, 8-6-13, \_\_\_\_\_.

40A-44.351 Transfer of Permits.

(1) through (2) No change.

(3) Requests for transfer of permit shall be made on Form No. A44-D, Request for and Acceptance of Transfer of Permit Issued, effective 7-1-92, which is hereby incorporated by reference, copies of which can be obtained by contacting the District or online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07540> or the District's website [www.nfwfwater.com](http://www.nfwfwater.com).

Rulemaking Authority 373.044, 373.113, 373.418 FS. Law Implemented 373.413, 373.416(2), 373.418, 373.426 FS. History—New 10-1-84, Amended 8-1-89, 7-1-92, 8-6-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Selina Potter, 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: July 27, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 20, 2016

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: RULE TITLE:

40D-8.624 Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt revised minimum and guidance levels for Moon Lake located in Pasco County. The effect of the rule is to support the District's water supply planning, water use permitting, and environmental resource permitting programs.

SUMMARY: Section 373.042, F.S., requires the District to establish minimum flows and levels for lakes, wetlands, rivers and aquifers within the District's boundaries. Section 373.0421(3), F.S., further requires the District to periodically reevaluate and revise adopted minimum flows and levels. This rulemaking is necessary to delete the previously adopted levels, and adopt new guidance and minimum levels for Moon Lake located in Pasco County. The establishment and periodic evaluation of minimum levels is required by statute to ensure that the minimum hydrologic requirements of the water resources and ecology of this lake are maintained. The revised minimum and guidance levels for Moon Lake are being developed using previously peer-reviewed, Governing Board adopted methods.

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 District conducted an economic review of the revisions to the rule and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. The revised minimum levels for this lake is unlikely to constitute an additional significant regulatory constraint on groundwater or surface water withdrawals in the area due to existing resource conditions and regulatory constraints in the basin.

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, 373.086, 373.709, 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: Doug Leeper, MFL Program Lead, SWFWMD, 2379 Broad Street, Brooksville, FL 34604, (352) 796-7211, ext. 4272 2015018-3

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.
--

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (p) No change.		-	-	-	-
(q) In Pasco County Within the Coastal Rivers Basin		-	-	-	-
	Big Fish, Lake S-21, T-24, R-19E through Green, Lake S-16, T-26, R-18E No change.	-	-	-	-
	Moon, Lake S-28, T-25S, R-17E	40.0' 39.9'	39.6' 39.9' (CAT 1) (CAT 3)	38.2' 38.3' (CAT 1) (CAT 3)	36.3' 36.2'
	Pasco Lake S-22, T-24S, R-18E through Unnamed Lake No. 22 S-27, T-24S, R-18E No change.	-	-	-	-
(r) through (cc) No change.		-	-	-	-

10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13(12), (13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Southwest Florida Water Management District  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 16, 2015

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.900      RULE TITLE: Overpayment and Benefit Recovery  
PURPOSE AND EFFECT: To address the Federal changes for the Treasury Offset Program (TOP) delinquency timeframes, additions to the compromise policy to define processes and requirements, additions of the Benefit Recovery client notices and substantive language changes throughout the document for consistency purposes.

SUMMARY: This rule addresses the overpayment and benefit recovery within the context of food assistance program eligibility determinations.

**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 considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 414.41, 414.45 FS.

LAW IMPLEMENTED: 414.31, 414.36, 414.41 FS.

(13) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History--New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90,

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

DATE AND TIME: December 29, 2016, 10:30 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Johanna Stewart,

johanna.stewart@myflfamilies.com, (850)717-4729. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Johanna Stewart, johanna.stewart@myflfamilies.com

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.900 Overpayment and Benefit Recovery.

~~The purpose of this section is to define~~ sets forth the administrative policies applicable to the establishment and recovery of overpayments in the food assistance and cash assistance programs.

(1) Administrative Definitions Applicable to Overpayment and Benefit Recovery.

(a) Adult, for the purpose of this rule, is:

1. Eighteen years of age or older,

2. A teen parent receiving food public assistance or cash assistance for themselves as an adult,

3. An emancipated minor, or

4. An individual who has been married even if the marriage ended in divorce.

(b) Cash Assistance, for the purposes of this rule includes, Temporary Cash Assistance, Work and Gain Economic Self-Sufficiency, Aid to Families with Dependent Children and Temporary Assistance for Needy Families.

(c) Delinquency, for the purposes of the Treasury Offset Program (TOP), is the failure to sign a Voluntary Repayment Agreement.

~~(a) Overpayment: Overpayment is the amount of public assistance received for which an individual was not entitled.~~

~~(d)(b) Intentional Program Violation: Intentional Program Violation (IPV) or fraud, is defined pursuant to Section 414.39(1), (2) and (4), F.S., 7 C.F.R. §273.16(c) and 45 C.F.R. §235.110(a)(2) incorporated by reference.~~

(e) Overpayment, is the amount of food public assistance or cash assistance received for which an individual or assistance group was is not entitled.

~~(f)(e) Direct Reimbursement: Direct Reimbursement Repayment, is the repayment by an individual or assistance group to the Department or contractor for an overpayment claim. Repayment may be sought by the individual payee or assistance group members who met the criteria in section (1) of this rule.~~

~~(g)(d) Recoupment of Benefits: Recoupment of Benefits is the deduction of repayment amounts from benefits prior to disbursing them.~~

~~(h)(e) Refusal to Repay: Refusal to repay occurs when the individual responsible for repayment:~~

1. Received notification of the overpayment or request for Voluntary Repayment Agreement as specified in subsection (8) and subsequently:

a. Fails to comply with the time frames as set forth in paragraph (8)(d);

b. Advises the Department either orally or in writing that they refuse to repay the amount owed; or

c. Fails to sign and return a Voluntary Repayment Agreement ~~when and~~ repayment, which must be made in whole or in part by ~~direct reimbursement payment.~~

~~2. Received written notification of a failure to comply with the terms of a repayment agreement and subsequently:~~

~~a. Fails to contact the Department within ten days for food assistance IPV, 20 days for food assistance Inadvertent Household Error (IHE), or 30 days for food assistance agency error and all other public assistance errors including those for the Refugee Assistance ((RAP) and Optional State Supplementation (OSS) Programs from th date of notification; or~~

~~b. Contacts the Department, but still fails to make the delinquent payment by the last day of the month following the month in which the payment was originally due, unless the individual has obtained, in writing, the Department's consent to a change in the repayment agreement.~~

~~(i)(f) Notification: Notification for purposes of this section rule, is any correspondence from the Department that advises an individual or assistance group of the status of an overpayment. Any notification will be in compliance with 7 C.F.R. §273.18(e)(3).~~

~~(j)(g) Extreme hardship policy: Extreme hardship policy applies only to cash assistance agency errors and occurs when monthly expenses for basic maintenance needs exceed monthly income. Expenses taken into account include food, shelter, medical, transportation, clothing and personal and household incidentals, child or adult care and court ordered child support payments. Any expenses paid by someone outside the household are not used. The Department requires verification if it considers reported items excessive.~~

1. Food expenses exclude food assistance benefits.

2. Shelter expenses include rent, mortgage, mandatory

maintenance or membership fees; loan repayments, including interest for the purchase of a mobile home; property taxes and insurance on the home; cost of fuel, electricity, water, sewerage and garbage pickup; and the basic service fees for one telephone.

3. Medical expenses include those not paid by insurance.

4. Transportation expenses include those necessary for household vehicles or public transportation.

5. Clothing and personal and household incidental expenses include those necessary for individuals in the household.

6. Child or adult care expenses include those costs paid to someone not residing in the household.

7. Court ordered child support payment expenses include those paid to someone not residing in the household.

(2) Individuals Responsible for Repayment of Overpayment.

(a) Individuals who received ~~Aid to Families with Dependent Children (AFDC) and other~~ cash assistance overpayments as an adult will be responsible for repayment of the overpayment.

(b) Individuals who received ~~Food~~ assistance overpayments as an adult will be responsible for repayment recovered from an individual as specified in 7 C.F.R. §273.18(a)(4) (2015), incorporated by reference.

(c) Individuals who received Medicaid overpayments as an adult will be responsible for repayment of the overpayment.

(d) Adults who apply for and/or receive assistance on behalf of others.

(e) Authorized/Designated Representative, for purposes of this rule, means an individual who has knowledge of the assistance group's circumstances and is authorized to act responsibly on their behalf.

(e) For the purpose of this rule, an adult is:

1. Eighteen years of age or older,
2. A teen parent receiving assistance for themselves as an adult,
3. An emancipated minor, or
4. An individual who has been married even if the marriage ended in divorce.

~~(3)Monthly Repayment Amounts.~~

~~(a) monthly repayment amounts of all AFDC and cash assistance overpayments include the following provisions:~~

~~1. Any individual no longer receiving cash assistance will negotiate a repayment agreement with the Department or contractor.~~

(3)Monthly Repayment Amounts.

(a) The monthly repayment amounts of all food public assistance and cash assistance are subject to negotiation.

1.2. Any individual or assistance group adversely affected by the preceding subparagraph is entitled to a departmental

review or hearing pursuant to Chapter 65-2, F.A.C.

~~(b) Monthly repayment amounts of all food assistance overpayments will be determined in accordance with 7 C.F.R. § 273.18(e)(2010), incorporated by reference.~~

(eb) Any adult who applied for and/or received Medicaid benefits for themselves or the assistance group is liable or responsible for repayment. They will negotiate a repayment agreement with the Department or contractor.

(4) Methods of Repayment.

(a) The methods of repayment of cash assistance overpayment are as follows:

1. As specified in 45 C.F.R. § 233.20(a)(13) (2015) (2009), incorporated by reference; or

2. Through application of child support credit. Child support credit exists when child support collected and retained by the state during any month in which overpayment occurred exceeds the amount of AFDC or cash assistance to which the assistance group was entitled for that month after computation of the overpayment has been completed. The excess amount of child support can, if requested by the absent parent or recipient, be credited as repayment and the amount owed by the individual responsible for repayment will be reduced by that amount. In addition, all or part of the overpayment claim can be satisfied should the absent parent of an overpaid assistance group repay to the Department all AFDC or cash assistance benefits received on behalf of the overpaid assistance group. Child support credit is not applicable to RAP overpayments.

(b) The method of repayment of all food assistance overpayments will be as specified in 7 C.F.R. § 273.18(f)-(g) (2015) (2010), incorporated by reference.

(c) For purposes of this rule only, the method of a repayment of a Medicaid overpayments will be collected by direct reimbursement repayment.

(5) Refusal to Repay. When an individual or assistance group refuses to make repayment by direct reimbursement after a request to do so, the Department, at its discretion, may take appropriate civil action against the income or resources of the individual or assistance group involved.

(6) Compromising Food Assistance Claims. Effective August 1, 2001, a food assistance claim or any portion of a food assistance claim may be compromised with the exception of court ordered restitutions or IPV's. The Department reserves the right to approve or not approve the compromise.

(a) Individuals with an overpayment claim in the Food Assistance Program may request a compromise of their claim using the compromise request included in the Notice of Case Action Form BVFSOE. If a prior request has been decided, then any pending request is bound by the prior decision, unless the individual or assistance group can demonstrate a change in circumstances, at any time after they are notified of the claim.



(b) For purposes of a compromise request made pursuant to this rule, the Department will determine that the economic household circumstances reasonably demonstrate the overpayment claim will not be paid within three years of being notified of the overpayment claim. For purposes of this paragraph, the three-year period is 36 months after the date of the Notice of Case Action. A claim and will be compromise to zero dollars when at least one of the following is present:

1. The death or prognosis of death of any liable individual within three years of being notified;

2. Pending litigation: ~~in a court, which shall not include administrative fair hearings or appeals of final orders from administrative fair hearings but does include proceedings of including~~ a bankruptcy court, that involves any liable individual's obligation to repay the overpayment within three years of being notified;

3. Any liable individual is sentenced to a period of incarceration that will expire after the three-year period the overpayment is expected to be paid; ~~or~~

4. The liable individual(s) sole household's income is based only on either elderly age or disability projecting a fixed, limited economic potential to repay the overpayment within three years; or

5. Other reasons for a compromise. The Department will not speculate about the liable individual's ability to repay the overpayment. If the Department must speculate, the Department will deny the request and provide written notice of the decision.

~~(c) The Department requires~~ At the time of the compromise request, the individual or assistance group shall submit verification of subparagraphs 1. through 5.4. above. When a decision is made concerning the compromise request, the Department will provide written notice of the decision including information about hearing appeal rights.

~~(d) Liable individual(s) can request a compromise even if subparagraphs (b)1. Through 4. Above do not apply. The request and any other related information provided must clearly show the overpayment claim will not be paid within the three year period. The Department will not speculate about the liable individual's ability to repay the overpayment. If the Department must speculate about the liable individual's ability to repay the overpayment, the Department will deny the request and provide written notice of the decision.~~

(7) Computation of Overpayment.

(a) Overpayment computations will be made using the applicable program policies in effect during the certification period in which the overpayment occurred.

(b) When the Department determines that it needs additional documentation of expenses to compute overpayment, it will notify the individuals or assistance groups responsible for repayment of the information needed. The

individual or assistance group must provide any requested items within the time requested by the Department, or the expense will not be considered in computing the overpayment amount.

(8) Notification of Overpayment. The Department must notify the individuals or assistance groups responsible for repayment of overpayment in writing that overpayment exists and that they are required, by law, to repay the entire amount pursuant to Section 414.41(1), F.S., or that they may seek compromise of a food assistance overpayment pursuant to 7 C.F.R. § 273.18(e)(3), and (7) (2015) (2010) incorporated by reference.

(a) The individual has a right to an administrative hearing in accordance with the Department's hearings procedures in Chapter 65-2, F.A.C.

(b) The Department will send notification of overpayment to current and prior recipients by regular mail at the address the Department sends benefits or correspondence. The Department presumes delivery unless the postal service returns the notice to the Department. For the purposes of this rule, mail shall be defined as outlined in subsection 65A-1.203(12).

~~(e) Notification of overpayment to individuals no longer receiving assistance will be made as follows:~~

~~1. By regular mail to the last known address available to the Department. The Department presumes delivery unless the postal service returns the notice to the Department.~~

~~2. The last notification prior to the initiation of civil action will be sent certified mail, return receipt requested, or hand delivered with certification that delivery was made to the individuals responsible for repayment.~~

~~(c)(d)The assistance group or individuals that receive notification will be considered to have refused to repay when they fail to contact the Department within 30 days from the date of notification for all food assistance or cash assistance errors including cash assistance errors for the Refugee Assistance Program (RAP) and Optional State Supplementation (OSS) Programs, ten days for food assistance IPV, 20 days for food assistance IHE, or 30 days for food assistance agency error and all the other public assistance errors including those for RAP and OSS Programs from the date of notification.~~

(9) Claim Thresholds. The Benefit Recovery Program will not pursue a claim in bankruptcy proceedings if the amount of the claim is at or below \$1,250.

(10) Determination of Intentional Program Violation.

(a) Pursuant to sSections 414.33, 414.36 and 414.39, F.S., when the Department has information that an individual or assistance group has committed fraud or an IPV, it will refer the case to the Department of Financial Services, Division of Public Assistance Fraud (DPAF) for investigation. In cases

where DPAF determines that an individual has committed fraud in the cash assistance or Food Assistance Programs, it will pursue a determination of IPV through either court action, administrative disqualification hearing, or both, where permitted by 7 C.F.R. § 273.16(a) (2015) ~~(2010)~~, ~~incorporated by reference~~, 45 C.F.R. § 235.110 (2015) ~~(2009)~~, incorporated by reference and Section 414.41, F.S. ~~The Division of Public Assistance Fraud~~ DPAF will pursue a determination of IPV through court action in instances where it determines that an individual has committed fraud in the Medicaid Program.

(b) Individuals found by an administrative fair hearing officer or court to have committed an act of IPV while receiving, or attempting to receive, food assistance, cash assistance, or both, food assistance and cash assistance benefits will be disqualified from participation in the program(s) under which that act was committed or attempted in accordance with 7 C.F.R. § 273.16(b) (2015), incorporated by reference or Section 414.41, F.S.

(11) Treasury Offset Program.

(a) The Department will refer individuals who owe past-due, legally enforceable federal food assistance overpayment debts to the U.S. Department of the Treasury for purposes of collection of such debt through offset against federal payments pursuant to 26 U.S.C. § 6402 (d)(1)-(2) and (f). Referral of individuals owing such debt will be completed in accordance with procedures and criteria contained in 26 C.F.R. § 301.6402-6 and 31 C.F.R. Part 5 Subpart C et. seq., as provided for in 7 C.F.R. § 3.46.

(b) A past-due, legally enforceable debt exists when an individual in receipt of overpayment as defined in Section 414.41(1), F.S. and paragraph (1)(~~e~~)(~~a~~) of this rule is at least 120 ~~180~~ days delinquent in repayment of the such overpayment, and the overpayment has not been discharged through administrative or legal action.

(c) The Department must make a reasonable attempt as defined in 26 C.F.R. § 301.6402-6(d), to notify individuals owing such debt that:

1. The debt is past due, and

2. Unless a signed Voluntary Repayment Agreement and payment is received repaid within 180 ~~60~~ days from the date on the notification, it will refer the debt to the U.S. Department of the Treasury for offset ~~against any refund of federal tax due that individual~~, and

3. The individual debtor has 60 days from the date of notification to ~~appeal~~ request a review in writing, via presentation of evidence to the Department, that all or part of the debt is not past-due or legally enforceable.

(d) The Department will consider evidence presented timely by an individual in receipt of notification described in paragraph (11)(c)(3) above that indicates all or part of their debt is not past-due or legally enforceable, and will make a

determination as to the status of that debt prior to referral for offset. The Department will notify the individual within thirty (30) days from the receipt of the review request. If it is found that the debt is past due and legally enforceable, the individual will be notified that they may request a Federal review by Food and Nutrition Services (FNS). This consideration process is separate and apart from the fair administrative hearings appeals process and will address only the past-due status or legal enforceability of all or part of the debt.

(e) The Department will provide a toll free telephone number for use in obtaining information concerning the offset.

(12) The following forms, incorporated by reference, are used by the Department in the process of establishing and recovering overpayment:

(a) Information Concerning Administrative Disqualification Hearings, CF-ES 3057, 09/2009;

(b) Request for Additional Information, CF-ES 3400, 09/2009;

(c) Waiver of Administrative Disqualification Hearing With a Program Loss, CF-ES 3410, 09/2006;

(d) Waiver of Administrative Disqualification Hearing Without a Program Loss, CF-ES 3410A, 09/2006;

(e) Disqualification Consent Agreement, CF-ES 3414, 11/2007;

(f) Notice of Compromise Decision, CF-ES 3110, 03/2010 and

(g) Request for Information to Determine Compromise, CF-ES 3111, 03/2010

(h) Notice of Case Action, BVFSOI, BVFSOE, BVCAOP, BVMAOP, BVPFBI, BVPFBE, BVPCBL, BVPMBL, BV06D5, BV10D5, BV06D6, BV10D6, BV06D9, BV10D9, BV06DF, BV10DF, BV06DA, BV10DA, BV06DG, BV10DG, BV06DB, BV10DB, BV06DH, BV10DH, BV11OH, BV11OD, BVRPON, BVEBBL, BV12OS;

(i) Payroll Deduction Agreement;

(j) Treasury Offset Notification Letter; and

(k) Treasury Offset Review Decision Notice.

Copies of the forms and materials incorporated by reference are available from the ACCESS Florida Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department's web site at <http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>.

*Rulemaking Authority ~~409.919~~, 414.41, 414.45 FS. Law Implemented 414.31, 414.36, 414.41 FS. History--New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-2-00, 2-26-02, 3-18-03, 7-21-05, 1-19-09, 6-21-10, -16.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sheri Hall

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2016  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 08, 2016

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Strategic Business Development**

RULE NOS.:      RULE TITLES:  
 73A-2.001      Certification for Spring Training Baseball Facilities  
 73A-2.002      Decertification and Decertification Review for Spring Training Baseball Facilities  
 73A-2.003      Certification for the Retention of Major League Baseball Spring Training Baseball Franchises  
 73A-2.004      Decertification and Decertification Review for the Retention of Major League Baseball Spring Training Baseball Franchises

PURPOSE AND EFFECT: Funding for spring training facilities and franchises. In Rules 73A-2.001, .002, .003, and .004, Fla. Admin. Code ("F.A.C."), the department sets forth procedures for applicants seeking certification and/or decertification. The department seeks to address the certification and decertification process in Rule 73A-2.001, F.A.C. In so doing, the department updates the rule to remove a 30-day evaluation period not required by statute, notice applicants that the department may request additional information, clarify the notices that the department will provide applicants, and modify the decertification timelines so that the rule conforms with the statute. Rules 73A-2.002, .003, and .004, F.A.C., will be repealed.

SUMMARY: The proposed rule implements the requirement that the department certify and decertify applicants for state funding for spring training baseball facilities and franchises.

**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: 288.11621(8), FS., 288.11631(6), FS.

LAW IMPLEMENTED: 288.11621(2),(5), FS., 288.11631(2),(5), FS.

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

DATE AND TIME: January 12, 2017; 9:30 a.m.  
 PLACE: Department of Economic Opportunity, Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399, Conference Room 110, and by teleconference by calling: 1(888)670-3525; Passcode: 9633615989 then #.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: M. Linville Atkins, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399, (850)245-7150, Linville.atkins@deo.myflorida.com

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

73A-2.001 Major League ~~Baseball Certification for Spring Training Baseball Facilities Franchise Certifications Facilities~~

(1) The application period for ~~those applying~~ certification under either Section 288.11621, F.S., or Section 288.11631, F.S. shall to receive state funding for a facility for a spring training franchise will begin upon notice published by the Department in the Florida Administrative Register. In order to be considered for certification, an applicant must submit all information required under either Section 288.11621(2)(a) and (2)(b), F.S. or Section 288.11631(2)(a) and (2)(b), F.S., the application for certification to the Florida Sports Foundation as indicated in the published notice in order to be considered for certification. The information should be divided into sections, based on the requirements set forth in either Section 288.11621, F.S., or Section 288.11631, F.S. The applicant must submit an original, and three copies, of all information to the Florida Sports Foundation at the following address in order for an applicant to be considered for certification: Applications may not be changed once submitted. The original and seven (7) copies of the application should be submitted to the following address:

Florida Sports Foundation  
 Attention: President  
 101 N. Monroe Street, Suite 1000  
 Tallahassee, FL 32301  
 Phone: (850)922-4493  
 Fax: (850)922-0482

(2)(a) The Florida Sports Foundation shall not provide an applicant's submitted information to the Department for review until it confirms that applicant has submitted all information required by subsection (1) of this rule. The Florida Sports Foundation shall forward all information submitted by the applicant, together with a confirmation of completeness, no later than 30 business days after receipt of

~~all information required by subsection (1) of this rule. Each application will be completely evaluated and no applicant will receive certification until the Department is able to verify the requirements set forth in Sections 288.11621(2)(a) and (2)(b), F.S. Applicants must provide assistance to the Department when verification is necessary.~~

~~(b) The Department may use the following methods to verify the information submitted:~~

- ~~1. Request more detailed information or explanation from the applicant in writing.~~
- ~~2. Examine the methods of the calculations used in the application process.~~
- ~~3. Meet and/or discuss concerns with the applicant or its designated authority.~~

~~(3) The Department shall evaluate applicant information that is submitted to the Department by the Florida Sports Foundation. No applicant shall become a certified applicant until the Department verifies that the applicant meets the requirements set forth in either Section 288.11621(2), F.S., or Section 288.11631(2), F.S. Applicants must provide additional documentation and assistance to the Department or to the Florida Sports Foundation when any verification, additional information, or modification is deemed necessary by the Department or the Florida Sports Foundation. Upon receipt of an application for certification as provided in subsection (1) of this rule, the Florida Sports Foundation will assist the Department by completely evaluating and recommending applicants for certification.~~

~~(4) If the Department verifies that the applicant has met all requirements set forth in either Section 288.11621(2), F.S., or Section 288.11631(2), F.S., the Department shall notify the applicant in writing that it will become a certified applicant contingent upon the applicant entering into an agreement as required by Sections 288.11621(2)(c) and 288.11631(2)(c), F.S. The Florida Sports Foundation will complete its evaluation and will forward the applications and recommendations for certification to the Department no later than thirty (30) days from the close of the application period.~~

~~(5) If the Department denies an applicant's request for certification, the Department shall issue to the applicant a determination denying the request for certification. The Department of Economic Opportunity will completely evaluate the applications and recommendations no later than thirty (30) days from their receipt from the Florida Sports Foundation. After the review, the Department will notify each applicant as to the status of its application for certification.~~

~~(6) A certified applicant may request decertification by sending a written request to the Department at the following address:~~

~~ATTN: Major League Baseball Spring Training Program~~

Florida Department of Economic Opportunity  
107 East Madison Street, Mail Station 80  
Caldwell Building  
Tallahassee, Florida 32399-4120

The Department shall review the request for decertification, if allowable by law considering any bonds that have been issued, send the certified applicant a notice of decertification.

(7) If the Department intends to decertify a certified applicant for any reason, it shall mail the certified applicant a notice of intent to decertify. The notice shall include the reason for decertification.

(a) A certified applicant has 60 days after it receives a notice of intent to decertify from the Department to petition for review of the decertification. The petition must set forth the reasons that applicant believes it should not be decertified, including any applicable supporting documentation.

(b) The Department shall conduct a review of the petition and, within 45 days after receipt of the petition, notify the certified applicant of the outcome of its review.

(c) If the Department determines after its review of a petition that the certified applicant should not be decertified, the Department shall issue a notice of revocation of its intent to decertify to the certified applicant.

(d) If the Department determines after its review of the petition that the certified applicant should be decertified, the department shall issue a final determination decertifying the certified applicant. The Department's final determination shall be subject to review under Chapter 120, F.S.

Rulemaking Authority 288.1162(8), F.S.; Law Implemented 288.1162(2). F.S, History – New 2-12-07, Formerly 27M-2.001, Amended 4-30-13, Amended \_\_\_\_\_.

73A-2.002 Decertification and Decertification Review for Spring Training Baseball Facilities.

Rulemaking Authority 288.11621(8) FS. Law Implemented 288.11621(5) FS. History–New 4-30-13, Repealed \_\_\_\_\_.

73A-2.003 Certification for the Retention of Major League Baseball Spring Training Baseball Franchises.

Rulemaking Authority 288.11631(6) FS. Law Implemented 288.11631(2) FS. History–New 2-12-14, Repealed \_\_\_\_\_.

73A-2.004 Decertification and Decertification Review for the Retention of Major League Baseball Spring Training Baseball Franchises.

Rulemaking Authority 288.11631(6) FS. Law Implemented 288.11631 FS. History–New 2-12-14, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 M. Linville Atkins  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Cissy Proctor  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: December 09, 2016  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: 12/15/2016

### Section III

## Notice of Changes, Corrections and Withdrawals

**DEPARTMENT OF EDUCATION**

**Florida's Office of Early Learning**

RULE NO.:        RULE TITLE:  
 6M-4.620        Health and Safety Checklists  
                   NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 228, November 23, 2016 issue of the Florida Administrative Register.

The following changes have been made:

6M-4.620 Health and Safety Inspections and Checklists

(1) through (4) No change.

(5) The following documents and forms are also incorporated by reference as part of this rule:

(a) through (l) No change.

(m) Department of Children and Families Training Rule 65C-22.003, Florida Administrative Code (August 2013) [https://www.flrules.org/gateway/RuleNo.asp?title=CHILD\_CARE\_STANDARDS&ID=65C-22.003].

(n)(m) No change.

No changes are made to Forms OEL-SR 6201, OEL-SR-6203, OEL-SR-6205, OEL-SR-6207 and OEL-SR-6208.

Form OEL-SR 6202, School Readiness Program Health and Safety Standards Handbook for Licensed, License-Exempt, and School-Age Center-based Programs has the following changes:

On page 11 under 1.1 Indoor Floor Space, delete footnote number 2 after the first sentence.

On pages 15 and 16 under 4 Group Size, the following changes are made:

1. For infants from birth up to 12 months of age, group size may not exceed twelve (12) children in a single classroom. There must be two designated lead teachers ~~F~~for infant classrooms operating with 9 to 12 children, and two of the three program personnel assigned to that classroom and

necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. There must be one designated lead teacher ~~F~~for infant classrooms operating with 5 to 8 children, and one of the two program personnel assigned to that classroom and necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to an infant classroom operating with 4 or less children.

2. For children age 1 year up to 24 months of age, group size may not exceed twelve (12) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 7 to 12 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 6 or less children.

3. For children age 2 years up to 3 years of age, group size may not exceed twenty-two (22) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 12 to 22 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 11 or less children.

4. For children age 3 years up to 4 years of age, group size may not exceed thirty (30) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 16 to 30 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 15 or less children.

5. For children age 4 years up to 6 years of age, group size may not exceed forty (40) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 21 to 40 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 20 or less children.

6. For school-age children age 6 years and older, group size may not exceed fifty (50) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 26 to 50 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 25 or less children.

7. In groups of mixed age ranges, where children ~~one year of age but~~ under two years of age are included, the group size for the youngest population present within the group applies.

On page 43 under 18.2 Training Courses, numbers 1a. and 1b., the following changes are made:

1.
  - a. Each of the following:
    - ü Health, Safety and Nutrition;
    - ü Identifying and Reporting Child Abuse and Neglect;
    - ü Child Growth and Development; and
    - ~~ü Behavioral Observation and Screening; and~~
    - ü ~~Understanding Developmentally Appropriate Practices.~~
  - b. ~~One of the following:~~
    - ü ~~Infant and Toddler Appropriate Practices;~~
    - ü ~~Preschool Appropriate Practices;~~
    - ü ~~School Age Appropriate Practices; or~~
    - ü ~~Special Needs Appropriate Practices.~~

On page 44 under 18.2 Training Courses, numbers 2a. and 2b., the following changes are made:

2.
  - a. Each of the following:
    - ü Health and Sanitation;
    - ü Safety of the Environment;
    - ü Precautions in Transporting Children (if applicable);
    - ü Safe Sleep Practices (not required for school-age only programs);
    - ü Child Safety and Prevention;
    - ü Planning for Emergencies; and
    - ü Prevention of Child Abuse and Supporting Children in Trauma.
  - b. One of the following developmentally appropriate practices modules:
    - ü Supporting the Social-Emotional Development of Infants/Toddlers;
    - ü Supporting the Social-Emotional Development of ~~Preschool/School-age~~ Children; or
    - ü Supporting the Social-Emotional Development of Mixed-age Group Care.

On page 44 under 18.2 Training Courses, delete number 3 and renumber accordingly.

On page 45 under 18.5 Training Exemptions, the following changes are made:

The office shall exempt personnel from training requirements in accordance with Rule 65C-22.003(3)(b), F.A.C. ~~with a Bachelor's degree or higher in Early Childhood Education or related field from the following course requirements specific to each training option:~~

1. ~~Department courses — Developmentally Appropriate Practices, Behavioral Observation and Screening, Child Growth and Development, and Health, Safety and Nutrition course requirements.~~
2. ~~ELFL modules — Health and Sanitation, Safety of the Environment, Transporting Children, Safe Sleep Practices, Child Safety and Prevention, Planning for Emergencies, and Developmentally Appropriate Practices module requirements.~~

Form OEL-SR 6204, School Readiness Health and Safety Standards Handbook for Public and Non-public School Programs has the following changes:

On page 10 under 1.1 Indoor Floor Space, delete footnote number 2 after the first sentence.

On pages 14 and 15 under 4 Group Size, the following changes are made:

1. For infants from birth up to 12 months of age, group size may not exceed twelve (12) children in a single classroom. There must be two designated lead teachers ~~F~~for infant classrooms operating with 9 to 12 children, and two of the three program personnel assigned to that classroom and necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. There must be one designated lead teacher ~~F~~for infant classrooms operating with 5 to 8 children, and one of the two program personnel assigned to that classroom and necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to an infant classroom operating with 4 or less children.
2. For children age 1 year up to 24 months of age, group size may not exceed twelve (12) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 7 to 12 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the

Department. An active credential is not required for the staff member assigned to a classroom operating with 6 or less children.

3. For children age 2 years up to 3 years of age, group size may not exceed twenty-two (22) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 12 to 22 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 11 or less children.

4. For children age 3 years up to 4 years of age, group size may not exceed thirty (30) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 16 to 30 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 15 or less children.

5. For children age 4 years up to 6 years of age, group size may not exceed forty (40) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 21 to 40 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 20 or less children.

6. For school-age children age 6 years and older, group size may not exceed fifty (50) children in a single classroom. There must be one designated lead teacher ~~F~~for classrooms operating with 26 to 50 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 25 or less children.

7. In groups of mixed age ranges, where children ~~one year of age but~~ under two years of age are included, the group size for the youngest population present within the group applies.

On page 39 under 18.2 Training Courses, numbers 1a. and 1b., the following changes are made:

1.
  - a. Each of the following:
    - ü Health, Safety and Nutrition;

- ü Identifying and Reporting Child Abuse and Neglect;
- ü Child Growth and Development; and
- ~~ü Behavioral Observation and Screening; and~~
- ~~ü Understanding Developmentally Appropriate Practices.~~
- ~~b. One of the following:~~
  - ~~ü Infant and Toddler Appropriate Practices;~~
  - ~~ü Preschool Appropriate Practices;~~
  - ~~ü School Age Appropriate Practices; or~~
  - ~~ü Special Needs Appropriate Practices.~~

On page 40 under 18.2 Training Courses, numbers 2a. and 2b., the following changes are made:

2.
  - a. Each of the following:
    - ü Health and Sanitation;
    - ü Safety of the Environment;
    - ü Precautions in Transporting Children (if applicable);
    - ü Safe Sleep Practices (not required for school-age only programs);
    - ü Child Safety and Prevention;
    - ü Planning for Emergencies; and
    - ü Prevention of Child Abuse and Supporting Children in Trauma.
  - b. One of the following developmentally appropriate practices modules:
    - ü Supporting the Social-Emotional Development of Infants/Toddlers;
    - ü Supporting the Social-Emotional Development of Preschool/~~School-age~~ Children; or
    - ü Supporting the Social-Emotional Development of Mixed-age Group Care.

On page 40 under 18.2 Training Courses, delete number 3 and renumber accordingly.

On page 41 under 18.5 Training Exemptions, the following changes are made:

The office shall exempt personnel from training requirements in accordance with Rule 65C-22.003(3)(b), F.A.C. ~~with a Bachelor's degree or higher in Early Childhood Education or related field from the following course requirements specific to each training option:~~

- ~~1. Department courses — Developmentally Appropriate Practices, Behavioral Observation and Screening, Child Growth and Development, and Health, Safety and Nutrition course requirements.~~
- ~~2. ELFL modules — Health and Sanitation, Safety of the Environment, Transporting Children, Safe Sleep Practices, Child Safety and Prevention, Planning for Emergencies, and Developmentally Appropriate Practices module requirements.~~

Form OEL-SR 6206, School Readiness Program Health and Safety Standards Handbook for Licensed/Registered Family Child Care Homes and Informal Providers has the following changes:

On page 32 under 17.2 Training Courses, numbers 1a. and 1b., the following changes are made:

1.
  - a. Each of the following:
    - ü Health, Safety and Nutrition;
    - ü Identifying and Reporting Child Abuse and Neglect;
    - ü Child Growth and Development; and
    - ~~ü Behavioral Observation and Screening; and~~
    - ü Understanding Developmentally Appropriate Practices.
  - b. ~~One of the following:~~
    - ~~ü Infant and Toddler Appropriate Practices;~~
    - ~~ü Preschool Appropriate Practices;~~
    - ~~ü School-Age Appropriate Practices; or~~
    - ~~ü Special Needs Appropriate Practices.~~

On page 33 under 17.2 Training Courses, numbers 2a. and 2b., the following changes are made:

2.
  - a. Each of the following:
    - ü Health and Sanitation;
    - ü Safety of the Environment;
    - ü Precautions in Transporting Children (if applicable);
    - ü Safe Sleep Practices (not required for school-age only programs);
    - ü Child Safety and Prevention;
    - ü Planning for Emergencies; and
    - ü Prevention of Child Abuse and Supporting Children in Trauma.
  - b. One of the following developmentally appropriate practices modules:
    - ü Supporting the Social-Emotional Development of Infants/Toddlers;
    - ü Supporting the Social-Emotional Development of Preschool/~~School-age~~ Children; or
    - ü Supporting the Social-Emotional Development of Mixed-age Group Care.

On page 33 under 17.2 Training Courses, delete number 3 and renumber accordingly.

On page 34 under 17.5 Training Exemptions, the following changes are made:

The office shall exempt personnel from training requirements in accordance with Rule 65C-22.003(3)(b), F.A.C. ~~with a Bachelor's degree or higher in Early Childhood Education or~~

~~related field from the following course requirements specific to each training option:~~

- ~~1. Department courses — Developmentally Appropriate Practices, Behavioral Observation and Screening, Child Growth and Development, and Health, Safety and Nutrition course requirements.~~
- ~~2. ELFL modules — Health and Sanitation, Safety of the Environment, Transporting Children, Safe Sleep Practices, Child Safety and Prevention, Planning for Emergencies, and Developmentally Appropriate Practices module requirements.~~

## 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 Utilities, Inc. of Florida's Petition for Variance or Waiver of a specific provision from Rule 25-30.437(3), Florida Administrative Code, filed October 10, 2016, in Docket No. 160101-WS – Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties by Utilities, Inc. of Florida, was approved by the Commission by Order No. PSC-16-0530-PAA-WS issued November 22, 2016. The rule addresses the requirement to provide additional detailed billing analyses for each rate change period in the test year. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the Florida Administrative Register on October 12, 2016. A copy of the Order can be obtained from the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

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



On December 12, 2016 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from Low Country LLC located in Naples. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink.

The Petition for this variance was published in Vol. 42/240 on December 13, 2016. The Order for this Petition was signed and approved on December 19, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice:

Of the issuance of an Order regarding the Petition for Variance or Waiver, filed on August 19, 2016, by Ormand E. Hunter, Jr. The Notice of Petition for Variance or Waiver was published in Vol. 42, No. 171, of the September 1, 2016, Florida Administrative Register. Petitioner sought a variance or waiver of the financial responsibility and stability requirements of Rule 61G4-15.006, F.A.C. The Board considered the instant Petition at a duly-noticed public meeting held on October 14, 2016, in Melbourne, Florida. The Board's Order, filed on December 6, 2016, denied the petition finding that Petitioner has not established that the purpose of the underlying statute, Section 489.113, F.S., would be met were the petitioner to be granted a variance from the rule. In addition, the Petitioner has not shown how application of the

rule creates a substantial hardship or violates principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039, telephone: (850)487-1395 or by electronic mail: Donald.Shaw@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice:

that the Petition filed by Maurizio D'Alessandro on November 4, 2016, seeking a variance or waiver of Rule 61G4-16.005, F.A.C., has been withdrawn. The Notice of Petition was published in Vol. 42 No. 222 of the November 15, 2016, issue of the Florida Administrative Register.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice:

Of the issuance of an Order regarding the Petition for Variance or Waiver, filed on July 12, 2016, by John Arthur Joseph. The Notice of Petition for Variance or Waiver was published in Vol. 42, No. 155, of the August 10, 2016, Florida Administrative Register. Petitioner sought a variance or waiver of Rule 61G4-16.005, F.A.C., which requires for the purpose of certification, a passing grade shall be valid only for a period of four (4) years from the date the list of successful candidates is approved by the Board. The Board considered the instant Petition at a duly-noticed public meeting held on October 14, 2016, in Melbourne, Florida. The Board's Order, filed on December 6, 2016, denied the petition finding that Petitioner has not established that the purpose of the underlying statute, Section 489.113, F.S., would be met were the petitioner to be granted a variance from the rule. In addition, the Petitioner has not shown how application of the rule creates a substantial hardship or violates principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone

Road, Tallahassee, Florida 32399-1039, telephone: (850)487-1395 or by electronic mail: Donald.Shaw@myfloridalicense.com.

**DEPARTMENT OF HEALTH**

Board of Psychology

The Board of Psychology hereby gives notice:

That on December 19, 2016, an Order was filed on the Petition for Variance or Waiver filed by Nicole Kahhan, PhD, on October 20, 2016. The Petitioner sought a variance or waiver of Rule 64B19-11.005, F.A.C., with regard to the requirements for supervised experience. The Notice was published in Volume 42, No. 213, of the Florida Administrative Register, on November 1, 2016. The Board, at its meeting held on November 17, 2016, voted to grant the Petition for Variance or Waiver finding that the Petition demonstrated that the purpose of the underlying statute has been or will be achieved and that application of the rule imposes a substantial hardship or violates principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or telephone: (850)245-4373 or by electronic mail: Allen.Hall@flhealth.gov.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF LAW ENFORCEMENT**

Criminal Justice Standards and Training Commission

The Criminal Justice Professionalism Division and the Officer Discipline Penalty Guidelines Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 9, 2017, 8:30 a.m. – Open.

PLACE: Seminole State College, Sanford/Lake Mary Campus, 100 Weldon Boulevard, Room AT102, Automotive Building, Sanford, Florida 32773

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal Justice Standards and Training Commission Officer Discipline Penalty Guidelines Taskforce will discuss possible revisions to the officer discipline penalty guidelines in Rule Chapter 11B-27.

A copy of the agenda may be obtained by contacting: Stacy Lehman at (850)410-8645 or email at StacyLehman@fdle.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: Stacy Lehman at (850)410-8645 or email at StacyLehman@fdle.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).

**PUBLIC SERVICE COMMISSION**

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

DATE AND TIME: Thursday, January 5, 2017, 9:30 a.m.

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

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

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The Florida Public Service Commission Conference’s Notice, Agenda, related documents, and contact information may be obtained from [www.floridapsc.com](http://www.floridapsc.com). Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

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

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces its Internal Affairs Meeting for Thursday, January 5, 2017, to which all interested persons are invited.

DATE AND TIME: January 5, 2017, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Room 105, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

Internal Affairs Agendas and Florida Public Service Commission’s contact information may be obtained from

www.floridapsc.com. Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

**EMERGENCY CANCELLATION OF MEETING:** If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link on the home page. Cancellation can also be confirmed by call the Office of Commission Clerk at (850)413-6770.

---

#### EXECUTIVE OFFICE OF THE GOVERNOR

The Correctional Medical Authority announces a public meeting to which all persons are invited.

**DATE AND TIME:** December 29, 2016, 12:00 Noon

**PLACE:** The Capitol, Suite 705, 400 South Monroe St., Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Monthly Meeting. 1(888)670-3525 (Toll Free); Conference Code: 4107102753#.

A copy of the agenda may be obtained by contacting: (850)717-9500 or by mail at 400 South Monroe Street, Ste. #705, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: (850)717-9326. 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

Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council/Executive Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** January 5, 2017, 2:00 p.m.

**PLACE:** Southwest Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, in Fort Myers

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The SWFRPC's Executive Committee will be meeting with the region's MPO/TPO Directors to discuss the possibility of compiling a Transportation Plan for Southwest Florida.

A copy of the agenda may be obtained by contacting: Ms. Margaret Wuerstle at [mwuerstle@swfrpc.org](mailto:mwuerstle@swfrpc.org) or (239)938-1813, Ext. #222

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: SWFRPC Offices at (239)938-1813. 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: Visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

---

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board Probable Cause Panel announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, January 4, 2017, 9:00 a.m., Eastern Time

**PLACE:** Zora Neale Hurston Building, 400 West Robinson Street, Suite N901, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1772. Only public portions of the agenda are available upon request.

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 (5) days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

---

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**DATE AND TIME:** February 8, 2017, 1:00 p.m. – 4:00 p.m.

**PLACE:** Conference Room 628B, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A workshop will commence at 1:00 p.m. to present the revised Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Fiscal Year 2017

Intended Use Plans for public review and comment. Then, immediately following and continuing until not later than 4:00 p.m., a public meeting will be held to discuss the issues and recommendations for management of the FY 2017 CWSRF and DWSRF priority lists of projects to be funded with loans under Chapter 62-503 and Chapter 62-552, Florida Administrative Code, respectively.

A copy of the agenda may be obtained by contacting: Michael Isaacson, State Revolving Fund Program, 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida 32399 3000, (850)245-2928, michael.isaacson@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Michael Isaacson. 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: Michael Isaacson, (850)245-2928, michael.isaacson@dep.state.fl.us, State Revolving Fund Program, 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida 32399-3000.

**DEPARTMENT OF HEALTH**

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

DATE AND TIME: January 5, 2017, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Health, Building 4042, Room 301, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Annual funding allocations for preparedness funding.

A copy of the agenda may be obtained by contacting: Christie Luce, (850)245-4040.

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: Christie Luce, (850)245-4040. 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: Christie Luce, (850)245-4040.

**DEPARTMENT OF HEALTH**

Board of Dentistry

Department of Health, Board of Dentistry, announces an official meeting of the Council on Dental Hygiene to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: January 11, 2017, 6:00 p.m., ET

PLACE: 1(888)670-3525 when prompted, enter conference code: 4552635641#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss matters related to dental hygiene.

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

**DEPARTMENT OF HEALTH**

Board of Physical Therapy Practice

The Board of Physical Therapy Practice announces a public meeting to which all persons are invited.

DATES AND TIMES: August 3, 2017, 6:30 p.m., ET. or soon thereafter and August 4, 2017, 8:00 a.m., ET. or soon thereafter

PLACE: Sheraton Tampa East, 10221 Princess Palm Avenue, Tampa, FL 33610

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting

A copy of the agenda may be obtained by contacting: The Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373 or by visiting the website at [www.floridasphysicaltherapy.gov](http://www.floridasphysicaltherapy.gov).

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

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

**DEPARTMENT OF HEALTH**

Board of Psychology

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

DATE AND TIME: July 21, 2017, 8:00 a.m., ET or soon thereafter

PLACE: Springhill Suites Orlando Airport, 5828 Hazeltine National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting

A copy of the agenda may be obtained by contacting: The Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373 or by visiting the website: [www.floridaspsychology.gov](http://www.floridaspsychology.gov).

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

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

---

DEPARTMENT OF HEALTH

Board of Psychology

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

DATE AND TIME: October 27, 2017, 8:00 a.m., ET or soon thereafter

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting

A copy of the agenda may be obtained by contacting: The Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373 or by visiting the website: [www.floridaspsychology.gov](http://www.floridaspsychology.gov)

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of

the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

---

DEPARTMENT OF HEALTH

Board of Respiratory Care

The Board of Respiratory Care announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2017, 8:30 a.m. ET. or soon thereafter

PLACE: Sheraton Tampa East, 10221 Princess Palm Avenue, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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

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

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

---

DEPARTMENT OF HEALTH

Board of Respiratory Care

The Board of Respiratory Care announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2017, 8:30 a.m., ET. or soon thereafter

PLACE: Sheraton Suites, 555 NW 62nd Street, Fort Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)245-4444, ext.

3565. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Refugee Services**

The Jacksonville Area Refugee Task Force announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, January 11, 2017, 1:30 p.m. – 3:30 p.m.

**PLACE:** Jacksonville Baptist Association, 2700 University Boulevard South, Jacksonville, FL 32216

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

A copy of the agenda may be obtained by contacting: Debbie Ansbacher at (904)524-1316 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debbie Ansbacher at (904)524-1316 or Taddese Fessehaye at (407)317-7335. 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: Debbie Ansbacher at (904)524-1316 or Taddese Fessehaye at (407)317-7335.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

The Division of Workers' Compensation announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, January 4, 2017, 3:00 p.m.

**PLACE:** Room 116, Larson Bldg., 200 E. Gaines St., Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Pursuant to S. 440.13(12)(e), F.S., the Three-Member Panel is required to submit recommendations on or before January 1, 2003, and biennially thereafter, to the President of the Senate and the Speaker of the House of Representatives on methods to improve the workers' compensation health care delivery

system. Specifically, the Three-Member Panel will review and adopt the following:

**Three-Member Panel 2017 Biennial Report**

The Division's Annual Report on Reimbursement Disputes and Overutilization for 2016, conducted pursuant to s. 440.13(8), F.S.

The Division of Workers' Compensation will publish the agenda and meeting packet for the Panel's January 4, 2017 meeting on the Division's website under "Notices" (<http://www.myfloridacfo.com/Division/WC/noticesRules.htm>).

A copy of the agenda may be obtained by contacting: (<http://www.myfloridacfo.com/Division/WC/noticesRules.htm>).

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: Vicky Fletcher at (850)413-4185. 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: Andrew Sabolic at (850)413-1628.

**GLADES SOIL AND WATER CONSERVATION DISTRICT**

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

**DATES AND TIMES:** January 26, 2017; April 27, 2017; August 31, 2017; November 30, 2017, 10:00 a.m.

**PLACE:** 1085 Pratt Blvd., LaBelle, Florida 33935

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Board Meeting.

A copy of the agenda may be obtained by contacting: Noreen Berden, (863)674-5700, ext. 107.

For more information, you may contact: Noreen Berden, (863)674-5700, ext. 107.

**HNTB**

**CITY OF GAINESVILLE AND FLORIDA DEPARTMENT OF TRANSPORTATION**

The City of Gainesville, Florida and the Florida Department of Transportation (FDOT) are conducting a public hearing to which all persons are invited.

**DATE AND TIME:** January 17, 2017, 5:00 p.m. – 7:00 p.m.

**PLACE:** The public hearing will begin as an open house at 5:00 pm with a formal presentation at 6:00 pm followed by a public comment period ending at 7:00 pm.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This public hearing is being conducted to give interested persons an opportunity to express their views concerning the

location, conceptual design, social, economic, and environmental effects of the proposed Southwest 62nd Boulevard Connector that will construct a new two-lane roadway from Clark Butler Boulevard to Southwest 52nd Street including a new bridge over Hogtown Creek. In the event that the public hearing cannot be held on January 17, 2017 due to severe weather or other unforeseen conditions, it will be held on the alternate date of January 24, 2017 at the same time and place. The study documents will be available at the following locations for public review from December 27, 2016 to January 27, 2017.

City of Gainesville  
 Public Works Department  
 405 NW 39th Avenue  
 (352)334-5070

Tower Road Library Branch  
 3020 SW 75th Street  
 Gainesville, FL 32608  
 (352)333-2840

A COPY OF THE AGENDA MAY BE OBTAINED BY CONTACTING: Stefan Broadus, P.E., City of Gainesville Public Works Department, 405 NW 39th Avenue, Gainesville, Florida 32609, (352)334-5070, broadusm@cityofgainesville.org

Public participation is sought without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the American with Disabilities Act or persons who require translation services (free of charge) should contact Stefan Broadus at (352)334-5070 or at broadusm@cityofgainesville.org at least seven days prior to the hearing.

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 VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF EDUCATION  
 State Board of Education

NOTICE IS HEREBY GIVEN that the Department of Education has received the petition for declaratory statement from the Florida Education Association on December 19, 2016, which has been assigned DOE case number 2016-3395. The petition seeks the agency's opinion as to the applicability of section 1012.71, Florida Statutes, "The Florida

Teachers Classroom Supply Assistance Program," as it applies to the petitioner's members. as it applies to the petitioner.

The Petition asks the Department to answer two questions: Question 1: Must funds received pursuant to section 1012.71, Fla. Stat., remain at the school where the recipient teacher was employed at the time of distribution? If not, may a teacher's classroom supply funds travel with the teacher to a different school within the same district, in the event of a mid-year transfer? Question 2: May school districts or third-party administrators charge fees to section 1012.71 funds in order to cover expenses incurred in managing the fund, such as fees to upload scanned receipts for reimbursement? Motions to intervene or petitions for administrative hearing by persons whose substantial interests may be affected must be filed with the Agency Clerk of the Department of Education within 30 days after the date of publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Cathy Schroeder, Director, Office of Executive Management, Department of Education, (850)245-9661 or [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org), or go to <https://app1.fldoe.org/rules/default.aspx>.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Kellogg & Kimsey, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 489, Florida Statutes, as it applies to the petitioner.

The Petition asks whether licensure is required for the performance of the work by its subcontractor and whether or not licensure is required as an "underground utility and excavation contractor," to perform the following duties: removal of all underground utilities for site and building; backfill and compaction of utilities trenches and foundation systems; removal of above and below ground storage tanks; removal of below ground hydraulic lifts; removal of asphalt and sub base removal of light poles and bases; disconnecting and capping of existing utility lines or removing utilities to be abandoned [emphasis added]; and excavation of electrical trench. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Paul J. Del Vecchio. The petition seeks the agency's opinion as to the applicability of Chapter 489, Florida Statutes, as it applies to the petitioner.

Can a licensed Interior Designer licensed under Chapter 481, FS, but not licensed under Chapter 489, FS, perform the following activities: a. Offering construction services. b. Entering contract(s) for construction services with the Owner. c. Invoicing the Owner and collecting compensation for construction services. d. Directly hires licensed contractors to obtain the required permits and perform the construction activities. Said contractions are not in privity with the Owner. e. Controls the progress of the work. Petitioner also seeks and opinion of the following question: Is any Division 1 Contractor who acts as a subordinate to a licensed interior designer to aid the interior designer in its construction contract with the consumer of construction services, but is not in privity with the consumer itself, engaging in aiding and abetting unlicensed activity? Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Frank Herrada on August 09, 2016. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 42, No. 171, of the September 1, 2016, Florida Administrative Register. The Petitioner seeks a declaratory statement as to the applicability of 489.113(3)(c), F.S., as it applies to building a concrete swimming pool provided that the required electrical work is subcontracted out. The Board considered the Petition at its meeting held on October 14, 2016, in Melbourne, Florida. The Board's Order, filed on December 6, 2016, declines to issue a declaratory statement in this matter because the Petitioner's petition is vague and does not state a particular set of circumstances to which the statute in question would apply as required by

120.565, F.S. The Petitioner's request for clarification appears to apply to past practice as well as future practice and also appears to apply to all general contractors. The Petitioner's petition appears to apply to the conduct of a third party for which potential litigation may ensue and the Board does not have jurisdiction over individual counties. It is the Board's opinion that s. 489113(3)(c), F.S., is not ambiguous, and declines to clarify the statute.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

NOTICE IS HEREBY GIVEN that the Board of Pharmacy has received a petition for declaratory statement from from Edwin A. Bayo, Esquire, on behalf of Value Health Consultants Inc., D/B/A Butterfield Drugs, filed on December 16, 2016. The petition seeks the agency's opinion as to the applicability of Sections 465.003(6) and 465.016(1)(l), Florida Statutes. as they apply to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board with regard to whether the return to stock of medications in a compliance packet that has not been dispensed to a patient, is permissible. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Jennifer Wenhold, Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 or by email at info@floridaspharmacy.gov, or by telephone at (850)488-0595, within 14 days of publication of this notice.

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

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

**NONE**

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

**NONE**



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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION

University of North Florida

**ITB 17-07 New Piping Service - Hodges Stadium**

**NOTICE TO CONTRACTORS**

**ITB 17-07 New Piping Service – Hodges Stadium**

The University of North Florida Board of Trustees, a public body corporate, is soliciting bids to mechanical contractors to install new piping service for Hodges Stadium Building 46 located at the University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The scope of work includes all labor, materials and supervision required to install chilled water, hot water lines and the associated building automation system controls to connect to the Soccer Stadium to the Central Plant Distribution Loop. This job will include the test and balance of the water side only. The scope also includes the removal and disposal of a 60 ton DX unit and the reconfiguration of the existing mechanical room within the soccer stadium to accommodate the new piping. See the construction drawings and specifications manual for the full scope of work.

The successful contractor is responsible for understanding and complying with all applicable local, state and federal occupational safety and health regulations pertaining to the scope of work outlined in this ITB.

The preliminary schedule for this ITB:

Advertisement	December 21, 2016
Mandatory re-Bid Meeting	January 6, 2017 @ 9 a.m.
Deadline dor questions	January 13, 2017
Response to question	January 18, 2017
Bids due	January 24, 2017 @ 2 p.m.

Minority business participation is strongly recommended and supported by the University of North Florida.

A performance and payment bond for 100 percent of the amount of the bid will be required of the successful contractor for any project with a cost that exceeds \$100,000.

As required by §287.133, Fla. Stat., a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Contractor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither contractor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

Full sets of bidding documents and descriptive project information may be obtained online at the UNF Procurement Services website:

[http://www.unf.edu/procurement/Bids and Notices.aspx](http://www.unf.edu/procurement/Bids_and_Notices.aspx).

Submit one complete copy of your bid response in full accordance with the requirements of the bid documents to:

University of North Florida Procurement Services  
 4892 First Coast Technology Parkway, Hicks Hall, Suite 2950  
 Jacksonville, Florida 32224

Sealed bids must be received no later than 2 p.m. Eastern Standard Time on January 24, 2017. Facsimile (fax) or email submittals are not acceptable and will not be considered.

**Section XII**  
**Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8 a.m. Wednesday, December 14, and 3 p.m. Tuesday, December 20, 2016. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
12D-6.002	12/20/2016	1/9/2017
34-12.330	12/20/2016	1/9/2017
34-7.010	12/20/2016	1/9/2017
53ER16-67	12/16/2016	12/16/2016
5E-14.1025	12/20/2016	1/9/2017
5E-14.105	12/20/2016	1/9/2017
5E-14.117	12/20/2016	1/9/2017
5E-14.132	12/20/2016	1/9/2017
5E-14.136	12/20/2016	1/9/2017
5E-14.142	12/20/2016	1/9/2017
5E-14.1421	12/20/2016	1/9/2017
5L-3.004	12/20/2016	1/9/2017
61G4-15.001	12/16/2016	1/5/2017
61K1-1.003	12/14/2016	1/3/2017
61K1-1.004	12/14/2016	1/3/2017
61K1-1.0043	12/14/2016	1/3/2017
61K1-1.006	12/14/2016	1/3/2017
61K1-1.007	12/14/2016	1/3/2017
61K1-1.008	12/14/2016	1/3/2017
61K1-1.009	12/14/2016	1/3/2017
61K1-1.012	12/14/2016	1/3/2017
61K1-1.037	12/14/2016	1/3/2017
61K1-1.040	12/14/2016	1/3/2017
61K1-3.0007	12/14/2016	1/3/2017
64B10-16.001	12/20/2016	1/9/2017
64B10-16.002	12/20/2016	1/9/2017
64B10-16.0021	12/20/2016	1/9/2017
64B10-16.0025	12/20/2016	1/9/2017
64B10-16.003	12/20/2016	1/9/2017

64B10-16.005	12/20/2016	1/9/2017
64B10-16.007	12/20/2016	1/9/2017
65C-30.020	12/20/2016	1/9/2017
65C-31.002	12/19/2016	1/8/2017
68A-6.007	12/16/2016	12/31/2016
69K-18.001	12/16/2016	1/5/2017
69K-18.002	12/16/2016	1/5/2017
69L-6.028	12/19/2016	1/8/2017
69L-6.035	12/19/2016	1/8/2017
69L-7.020	12/19/2016	7/1/2017
69U-110.045	12/20/2016	1/9/2017
69U-110.053	12/20/2016	1/9/2017
69U-120.0451	12/20/2016	1/9/2017
69U-120.730	12/20/2016	1/9/2017
73B-20.006	12/15/2016	1/4/2017
73B-20.009	12/15/2016	1/4/2017
73B-20.013	12/15/2016	1/4/2017
73B-20.020	12/15/2016	1/4/2017
73B-21.004	12/15/2016	1/4/2017
73B-22.006	12/15/2016	1/4/2017
73B-22.010	12/15/2016	1/4/2017
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
40B-9.123	12/9/2016	**/**/*****
60FF1-5.009	7/21/2016	**/**/*****
64B8-9.009	6/15/2016	**/**/*****
64B8-10.003	12/9/2015	**/**/*****
69L-7.100	12/19/2016	**/**/*****
69L-7.501	12/19/2016	**/**/*****

DEPARTMENT OF HEALTH

Board of Massage Therapy

Notice of Emergency Action

On December 19, 2016, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Colton R. Nielson, L.M.T., License # MA 74833. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Pharmacy

Notice of Emergency Action

On December 19, 2016, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the registration of Karissa Lynn Bono, R.P.T., Registration No. # RPT 40543. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-247

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF KEY WEST, FLORIDA,  
ORDINANCE NO. 16-24

FINAL ORDER

APPROVING CITY OF KEY WEST ORDINANCE NO. 16-

24

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to section 380.05(6), Florida Statutes, and rule 28-36.002, Florida Administrative Code, approving land development regulations adopted by the City of Key West, Florida (“the City”), Ordinance No. 16-24 (the “Ordinance”).

FINDINGS OF FACT

1. The City is designated as an area of critical state concern by rule 28-36.002, Florida Administrative Code.
2. The Ordinance was adopted by the City on November 2, 2016, and rendered to the Department on December 1, 2016.

3. The Ordinance amends the City’s Land Development Regulations (“LDRs”) to relax the requirements for obtaining staff approval to demolish certain non-contributing, non-historic accessory buildings or structures in the Historic District.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See Section 380.05(6), Florida Statutes; See also rule 28-36.002, Florida Administrative Code.

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

6. The Ordinance is consistent with the City’s Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically, Policy 1-1.1.6, Objective 1A-1.1, and Policy 1A-1.1.1.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. See section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in rule 28-36.003(1), Florida Administrative Code.

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

- (a) Strengthen local government capabilities for managing land use and development;
- (e) Protection of the historical heritage of Key West and the Key West Historical Preservation District; and
- (h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that City Ordinance No. 16-24 is consistent with the City’s Comprehensive Plan and Principles for Guiding Development for the City of Key West Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

/s/

Taylor Teepell, Director  
Division of Community Development  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY

OFFICE OF THE GENERAL COUNSEL

107 EAST MADISON ST., MSC 110

TALLAHASSEE, FLORIDA 32399-4128

FAX: (850)921-3230

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 19th day of December, 2016.

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

Agency Clerk

Department of Economic Opportunity

107 East Madison Street, MSC 110

Tallahassee, FL 32399-4128

By Certified U.S. Mail:

The Honorable Craig Cates

Mayor, Monroe County

3132 Flagler Avenue

Key West, FL 33040

Sue Harrison, Clerk

Monroe County

Board of County Commissioners

1100 Simonton Street

Key West, FL 33040

Thaddeus Cohen, Director

Planning and Environmental Resources

3140 Flagler Avenue

Key West, FL 33040

---

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.

---