

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	9/26/2018
File #	

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF PILOT COMMISSIONERS
PILOTAGE RATE REVIEW COMMITTEE**

IN RE: APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FOR PORT EVERGLADES, FILED BY THE FLORIDA CARIBBEAN CRUISE ASSOCIATION, AND ALTERNATIVE APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FOR PORT EVERGLADES, FILED BY PORT EVERGLADES PILOTS

CASE NO.: PRRC 2014-1

FLORIDA CARIBBEAN CRUISE ASSOCIATION’S RESPONSE IN OPPOSITION TO MOTION TO INTERVENE AND REQUEST FOR IMMEDIATE HEARING

COMES NOW, the Florida Caribbean Cruise Association (hereinafter “FCCA”) and hereby files this Response in Opposition to Motion to Intervene filed by Crowley Liner Services and requests an immediate hearing on Crowley’s motion and this response, and states as follows:

Argument

Crowley’s motion to intervene must be denied because the statutory deadline for participation as a party in these rate change proceedings has passed, and Crowley’s motion to intervene is therefore untimely and contrary to law. Crowley’s argument that intervention is permitted in this matter up through October 5, 2018 (20 days before the final hearing) is incorrect as a matter of law. Moreover, Crowley has sat on its rights to participate in the Port Everglades rate change proceedings for years, and the FCCA would be substantially prejudiced if Crowley or other intervenors are permitted to intervene at this point in time or at any time through October 5, 2018.

I. Facts Preceding Crowley’s Motion To Intervene

The current Port Everglades rate change proceedings, which has been the continuation of a single case, were initiated when the FCCA filed its rate change application on July 29, 2014. On

September 18, 2014, notice was published pursuant to section 310.151 and on October 17, 2014 (within 30 days of the notice), the Port Everglades Pilots (“PEP”) filed a motion to intervene and, subsequently, an alternative application. PEP’s alternative application proposed a material increase to the pilotage rates at Port Everglades.

An initial investigative hearing was held in this matter years ago, in which the Rate Review Committee’s investigator was present in Fort Lauderdale to receive public comment and answer questions from any interested parties. Due to certain appellate issues and the ongoing PortMiami rate change proceedings, the Port Everglades rate change case has remained an active case, but largely in a holding status for most of the last four years. At any time during these four years, Crowley Liner Services could have moved to intervene in the Port Everglades case. In light of PEP’s alternative application, which proposed an increase to the pilotage rates, Crowley had every incentive to participate in the proceedings, but chose not to. Permitting Crowley’s intervention, or any other individual or entity’s intervention, at this point in time would not only violate the Florida Statutes, but would be substantially prejudicial to the parties that have been active participants in the Port Everglades rate change proceedings up to this point.

II. Crowley Liner Services Missed The Statutory Deadline For Party Participation

1. As a matter of law, Crowley’s motion to intervene must be denied because Crowley missed the statutory deadlines set forth in section 310.151, Florida Statutes. As a result, this Committee does not have discretion to permit Crowley to intervene given the statutory limitations.

2. Section 310.151(3), Florida Statutes, governs content of the notice as it pertains to advising interested parties of their rights pertaining to intervention or participation in the proceedings. The statute states, in pertinent part:

In addition to publication as required by law, notice of a hearing to determine rates shall be mailed to each person who has formally requested notice of any rate change

in the affected port area. **The notice shall advise all interested parties that they may file an answer, an additional or alternative petition, or any other applicable pleading or response, within 30 days after the date of publication of the notice, and the notice shall specify the last date by which any such pleading must be filed.**

This Committee properly published the notice required by Section 310.151(3) on August 1, 2018

That notice stated:

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof ***within thirty (30) of this publication by August 31, 2018.***

Exhibit A. Pursuant to the statute, Crowley Liner Services had until August 31, 2018 if it wished to file an answer, alternative application, **or any other applicable pleading or response.** Crowley did not file any such documentation, but inexplicably waited until September 21, 2018, the date of its motion to intervene.

It is well-settled in Florida that “a statute should be interpreted to give effect to every clause in it, and to accord meaning and harmony to all of its parts.” Barnett Banks, Inc. v. Dep't of Revenue, 738 So. 2d 502, 504 (Fla. 1st DCA 1999) (citing Acosta v. Richter, 671 So. 2d 149 (Fla. 1996) (internal quotations omitted). Section 310.151 contains no mechanism permitting intervention by Crowley at this point in the proceedings. If *any* party could simply file a motion to intervene at *any* time in order to participate in a rate change proceeding, as Crowley is attempting to do here, the requirement under section 310.151, Florida Statutes, that any “answer, an additional or alternative application, or **any other applicable pleading or response**” be filed within 30 days of published notice would be meaningless and given no accord. Crowley cannot circumvent this statutory requirement through filing a “motion to intervene” well after the deadline has expired.

Crowley’s own motion demonstrates that it does not have the right to intervene in these proceedings. While Crowley fails to address the 30-day statutory requirement in section

310.151(3), Crowley argues that its “motion [to intervene] is timely **because it is being filed within 30 days** of the publication in the Florida Administrative Register notice setting the time, date and place of the public hearing. **See Fla. Admin. Code Ann. R. 61G14-22.007(5).**” *Motion to Intervene*, p. 2, ¶6 (emphasis added). Notably, the notice Crowley references that is provided pursuant to Rule 61G14-22.007(5) is the notice required by section 310.151(3), which was published on August 1 and set forth an August 31, 2018 deadline for interested party participation. Thus, Crowley correctly acknowledges that its motion was required to be filed within the 30-day statutory deadline. What Crowley got wrong was that its motion was filed within the 30-day timeframe, when it clearly was not. Crowley’s motion was filed September 21, 2018; the 30-day deadline ended August 31, 2018. Crowley’s statement that it was timely filed is without substantiation. Thus, based on the clear statutory deadlines and Crowley’s own tacit admission, its motion to intervene must be denied as untimely.

III. Crowley’s Reliance on Rule 28-106.208 is Misplaced

Crowley also argues that its motion is timely filed because “it is being made more than 20 days before the final hearing,” and Crowley sites Florida Administrative Code Rule 28-106.205 in support. Crowley’s argument that any individual or entity interested in the Port Everglades rates can intervene up through October 5, 2018 (20 days before the final hearing), fails as a matter of law for two reasons.

Foremost, Chapter 28-106, Part II of the Florida Administrative Code, and rule 28-106.205 by extension, applies to hearings involving disputed issues of material fact, which are also governed by section 120.57, Florida Statutes, and is inapplicable in these rate change proceedings. If a petition for administrative hearing is filed with a state agency challenging agency action pursuant to Chapter 120, Florida Statutes, that case would be transferred to the Division of

Administrative Hearing if disputed factual issues are raised, and at that point in time Chapter 28-106, Part II would become applicable. It is not applicable in these proceedings.

Second, and equally important, is the fact that application of Rule 28-106.205 in these rate change proceedings would directly contradict and violate section 310.151(3)'s statutory deadline for interested party participation. Allowing an interested person or entity to intervene any time up to 20 days before the final hearing (October 5th, in this matter) would conflict with the statutory mandate that all applications, responses, or other applicable pleadings or responses be filed within the 30-day statutory deadline. In Florida, in "cases of conflict [between a statute and administrative rule], a statute takes precedence over an administrative rule." *One Beacon Ins. v. Agency for Health Care Admin.*, 958 So. 2d 1127, 1129 (Fla. 1st DCA 2007) (citing *Willette v. Air Prods.*, 700 So.2d 397, 401 (Fla. 1st DCA 1997)). Here, section 310.151 must control.

Giving requisite deference to section 310.151 is also consistent with Rule 28-106.205. Crowley's motion does not quote the text of that rule, which states that "[e]xcept for good cause shown, motions for leave to intervene must be filed at least 20 days before the final hearing **unless otherwise provided by law.**" (emphasis added). Section 310.151(3)'s provision would be a time limitation "otherwise provided by law" that renders the 20-day hearing timeframe in Rule 28-106.205 null as it relates to pilotage rate change proceedings.

Thus, even if Chapter 28-106, Part II was applicable to these rate change proceedings, which it is not, the statutory requirements set forth in section 310.151(3) must control and take precedent over Rule 28-106.205. This Committee should not permit Crowley, or any other entity who seeks to intervene up through the final hearing, to participate as a party in these proceedings.

IV. The FCCA Will Be Substantially Prejudiced If Crowley Is Allowed To Participate As A Party.

Should Crowley be permitted to participate as a party in these proceedings, the FCCA will be substantially prejudiced as a result. The FCCA and PEP have participated in these proceedings and complied with the required statutory criteria in section 310.151. After this case has been pending for four years, the investigation phase is either complete or near complete, and a final hearing is weeks away, Crowley seeks to intervene in this matter and potentially interject new and substantial issues into this case.

Should Crowley or other entities be permitted to intervene, the FCCA does not know Crowley's position regarding what it believes is an appropriate rate, Crowley has not set forth its basis for any such rate pursuant to the enumerated criteria in section 310.151, Florida Statutes, and the FCCA would be at a serious disadvantage in preparing for a final hearing as a result. Crowley, on the other hand, would benefit from its undue and unjustified delay by taking advantage of having the full scope of the FCCA's and PEP's arguments set forth in their applications and could prepare extensively as a result. This Committee would, in essence, be punishing the parties who have been substantially involved in these proceedings and complied with the statutory criteria for years, and rewarding individuals or entities who have not participated in these proceedings over the years and who aren't abiding by the statutory requirements.

V. Crowley Is Limited to Participation As A Member of the Public

While the FCCA believes Crowley's motion to intervene must be denied as a matter of law for all of the reasons set forth above, the FCCA acknowledges that the final hearing in this matter is a public hearing, and that Crowley may – at the Committee's discretion – be permitted to attend the final hearing and provide public comment no different than any other member of the public. The FCCA believes, however, that Crowley cannot be a party to the proceedings, cannot participate

as a party at the final hearing in this matter, and should not be afforded the same rights as the FCCA and PEP. The FCCA also believes that the Committee is prohibited under section 310.151(3) from accepting any proposed alternative rate structures Crowley – and any other individual or entity for that matter – as such proposals would not be filed consistent with the timeframe in section 310.151, and also in accordance with the Florida Administrative Code.

The FCCA believes and would respectfully suggest to this Committee that it clearly define, in an order ruling on Crowley’s motion to intervene and the responses, the parameters of the final hearing and the extent to which entities such as Crowley may provide comment. This Committee and its staff expend significant time and resources in preparing for and scheduling final hearings in rate change matters, and the FCCA believes that clear advanced direction from this Committee would significantly help to avoid confusion or dispute at the final hearing regarding the permissible participation of each party or other individual or entity.

VI. Request for Immediate Hearing

The FCCA respectfully requests that this Committee schedule a hearing on Crowley’s motion and the FCCA’s response as soon as feasibly possible. The final hearing in this matter is just one month away. It is impossible for the FCCA to properly prepare for a hearing with the potential threat that Crowley, or other potential individuals or entities, could move to intervene up through October 5, 2018, and participate as a party in this matter in the same way as the FCCA or PEP. There is an unknown universe of potential information, data, expert witnesses, lay witnesses, and documentation that the FCCA would potentially have to prepare for the final hearing should entities other than the FCCA and PEP be permitted to intervene up through October 5, 2018. If Crowley is permitted to intervene, which it should not be, the FCCA likely does not have enough time at this stage in the proceedings to secure the experts and information necessary to be properly

and fully prepared for arguments from Crowley and other potential intervenors at the final hearing. Moreover, after spending four years awaiting a final hearing in this matter, the FCCA should not now be left to speculate, expend unnecessary resources, or otherwise attempt to prognosticate about what arguments Crowley and other intervenors could raise and which should have otherwise been set forth in writing, to this Committee, by August 31, 2018.

WHEREFORE, the FCCA respectfully requests that the Pilotage Rate Review Committee:

1. Hold an immediate hearing on Crowley Liner Services' motion to intervene and the applicable responses;
2. After such hearing, enter an order denying Crowley Liner Services' motion to intervene;
3. Enter an order clarifying the scope of participation by parties and members of the public at the final hearing.

Respectfully submitted,

PANZA, MAURER & MAYNARD, P.A.
Coastal Towers
2400 E. Commercial Boulevard, Suite 905
Fort Lauderdale, FL 33308
Tel: (954) 390-0100
Fax: (954) 390-7991

/s/Thomas F. Panza
THOMAS F. PANZA
FLA. BAR NO. 138551
JENNIFER K. GRANER
FLA. BAR NO.: 907091

Counsel for Florida-Caribbean Cruise Association

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served by electronic delivery on

the 26th day of September, upon the following:

Donna E. Blanton
Radey Law Firm
301 South Bronough, Suite 200
Tallahassee, Florida 32301
Telephone: 850-425-6654
dblanton@radeylaw.com

Jordan S. Cohen
Brand J. Hechtman
Wicker Smith O'Harea McCoy & Ford, P.A.
515 E. Las Olas Blvd., Suite 1400
Ft. Lauderdale, FL 33301
JCohen@wickersmith.com
BHechtman@wickersmith.com

Krista Woodard
Executive Director
Board of Pilot Commissioners
2601 Blair Stone Road
Tallahassee, FL 32399-0783
Krista.Woodard@myfloridalicense.com

Marlene K. Stern
Assistant Attorney General
Clark Jennings
Assistant Attorney General
PL-01 The Capitol
Tallahassee, Florida 32399-1050
Marlene.stern@myfloridalegal.com
Clark.jennings@myfloridalegal.com

George Meros
Holland & Knight LLP
315 South Calhoun Street, Suite 600|
Tallahassee, FL 32301
George.meros@hklaw.com

Warren H. Husband
Metz, Husband & Daughton
PO Box 10909
Tallahassee, FL 32302-2909
whh@metzlaw.com

/s/ Thomas F. Panza
THOMAS F. PANZA
FLA. BAR NO.: 138551

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: **RULE TITLE:**

59G-4.020 Ambulatory Surgical Center Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.020, Florida Administrative Code (F.A.C.), is to clarify policy and update reimbursement language. The amendment specifies that the Enhanced Ambulatory Patient Grouping reimbursement methodology will be used for provider reimbursement.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.020, F.A.C., will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919, 409.961 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS.

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

DATE AND TIME: August 16, 2018, 2:30 p.m. to 3:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Aaron Messer. 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: Aaron Messer, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4313, e-mail:

Aaron.Messer@ahca.myflorida.com.

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

Official comments to be entered into the rule record will be received until 5:00 p.m. August 17, 2018 and may be e-mailed to

MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) This rule applies to all providers rendering Florida Medicaid ambulatory surgical center services to recipients.

(2) All providers must be in compliance with the provisions of the Florida Medicaid Ambulatory Surgical Center Services Coverage Policy, ~~July 2017~~, incorporated by reference. The policy is available on the Agency for Health Care Administration's Web site ~~website~~ at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08255>.

Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, 10-2-05, 7-2-06, 1-20-13, 7-2-17, _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: **RULE TITLE:**

64B1-4.001 Acupuncture Program Requirements

PURPOSE AND EFFECT: The Board propose the rule development to consider training for injection therapy as part of the minimum education requirements.

SUBJECT AREA TO BE ADDRESSED: Minimum education requirements.

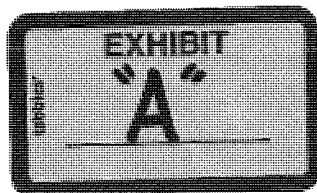
RULEMAKING AUTHORITY: 457.104, 457.105 FS. 457.105, 457.1085 FS.

LAW IMPLEMENTED: 457.105, 457.1085 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: Kama Monroe, JD, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3257.

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



DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agent and Agency Services

RULE NOS.:	RULE TITLES:
69B-231.010	Purpose
69B-231.020	Scope
69B-231.030	Definitions
69B-231.040	Calculating Penalty
69B-231.070	Prosecutorial Discretion
69B-231.080	Penalties for Violation of Section 626.611, F.S.
69B-231.085	Penalties for Violations of Section 626.6115, F.S.
69B-231.090	Penalties for Violation of Section 626.621, F.S.
69B-231.095	Penalties for Violations of Section 626.6215, F.S.
69B-231.100	Penalties for Violation of Subsection 626.621(6), or Section 626.9541, F.S.
69B-231.105	Penalties for Violations of Section 626.8437, F.S.
69B-231.106	Penalties for Violations of Section 626.844, F.S.
69B-231.107	Penalties for Violations of Section 626.8697, F.S.
69B-231.108	Penalties for Violations of Sections 626.8695 or 626.8698, F.S.
69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
69B-231.115	Penalties for Violation of Section 626.9957, F.S.
69B-231.120	Penalties for Violation of Other Insurance Code Provisions
69B-231.140	Penalties for Violation of Department Orders
69B-231.150	Criminal Proceedings
69B-231.160	Aggravating/Mitigating Factors

PURPOSE AND EFFECT: This rule chapter is being revised to create new rules and update existing rules in accordance with current Florida statutes.

SUBJECT AREA TO BE ADDRESSED: Penalty guidelines for resident and nonresident insurance agents, insurance agencies, title insurance agents, title insurance agencies, surplus lines agents, managing general agents, customer representatives, adjusters, adjusting firms, navigators and service representatives who are subject to discipline under chapter 626, F.S.

RULEMAKING AUTHORITY: 624.308(1), 626.207(8), 626.536, 626.551, 626.9957(12), 626.9958, 627.4554(9), FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 624.310(3), 624.310(5), 626.207, 626.611, 626.6115, 626.621, 626.631, 626.641, 626.6215, 626.681, 626.691, 626.8437, 626.844, 626.8695, 626.8697, 626.8698, 626.9541(1), 626.9954, 626.9957, 627.4554, 631.155, FS.

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

DATE AND TIME: August 17, 2018, 11:00 a.m.

PLACE: 116, Larson Building, 200 East Gaines Street, 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 5 days before the workshop/meeting by contacting: Ray Wenger, telephone: (850)413-5605, email: Ray.Wenger@MyFloridaCFO.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ray Wenger, Chief, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, address: 200 East Gaines Street, Tallahassee, Florida 32399-0320, telephone: (850)413-5605, email: Ray.Wenger@MyFloridaCFO.com.

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 HEALTH

Board of Optometry

RULE NOS.:	RULE TITLES:
64B13-5.001	Hours Requirement
64B13-5.002	Criteria for Approval

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the CE rules to include online/distance based learning courses and the standards for approval of those courses and to implement Section 456.0301(1)(a), F.S.

SUMMARY: To update requirements for CE course approval, authorize online CE, and implement section 456.0301(1)(a), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013, 456.013(7), 463.005(1), 463.007 FS.

LAW IMPLEMENTED: 456.013(7), 463.007, 463.007(4) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.001 Hours Requirement.

(1) As a condition to the renewal of a biennial license, each licensed practitioner shall be required to maintain professional competency by completing thirty (30) clock hours of continuing education in subjects relating to optometry that have been approved by the Board. Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they are initially licensed but must complete one (1) hour of approved continuing education in acquired immune deficiency syndrome that complies with the requirements of Section 456.033, F.S. Credit for continuing education will be allowed on the basis of an hour for hour. To receive one (1) hour credit, a licensed practitioner must attend not less than fifty (50) minutes. There will be no fractional hour credits. No continuing education course may be completed for credit more than once per biennium.

(2) For licensed practitioners who are certified optometrists, at least six (6) of the required thirty (30) hours

must be of "transcript quality." For purposes of this rule, the phrase "transcript quality" refers to coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases. Transcript quality CE must be sponsored by a school or college of optometry or equivalent educational entity as approved by the Board, must be obtained at a live in-person attendance course, and must require a test and passing grade.

(3) No change.

(4) Licensed practitioners shall be permitted to earn two (2) of the thirty (30) clock hours of continuing education credit upon demonstrating successful completion of approved training in cardiopulmonary resuscitation given by the American Heart Association or the American Red Cross.

(5) As part of the thirty (30) clock hours, licensed practitioners shall be permitted to obtain two (2) hours in the area of practice management. No more than two (2) hours of continuing education in the area of practice management may be applied to the thirty (30) clock hour requirement in subsection (1). These hours may be obtained through live, in-person or online/distance learning courses.

(6) As part of the thirty (30) clock hours, licensed practitioners shall be required to obtain two (2) hours in the area of Florida jurisprudence.

(a) No more than two (2) hours of continuing education in the area of Florida jurisprudence may be applied to the thirty (30) clock hour requirement in subsection (1).

(b) A licensed practitioner may earn two (2) hours in Florida jurisprudence by attending a meeting of the Board at which another licensee is disciplined for no less than four (4) continuous hours. Licensed practitioners will be required to sign-in and sign-out with board staff. Those licensed practitioners present for disciplinary purposes are not eligible to earn the two (2) clock hours for the Board meeting.

~~(c) Out of state licensed practitioners who do not practice in Florida at any time during the biennium, shall be permitted to satisfy the requirement of two hours in Florida jurisprudence by certifying that they have obtained and read a copy of the current provisions of Chapters 456 and 463, F.S., and Rule Division 64B13, F.A.C.~~

(7) As part of the thirty (30) clock hours, licensed practitioners are required to complete a two (2) -hour course relating to prevention of medical errors, as part of the ~~license~~ and renewal process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board approves one (1) hour of the two (2) -hour course to be specifically related to error reduction and

prevention methods used in that facility. No more than two (2) hours of continuing education relating to the prevention of medical errors may be applied to the thirty (30) clock hour requirement in subsection (1).

(8) As required by section 456.0301(1)(a), F.S., as part of the thirty (30) clock hours, all certified optometrists registered with the United States Drug Enforcement Administration (DEA) shall complete a two (2) hour course on prescribing controlled substances. All such certified optometrists registered with the DEA must complete the course no later than January 31, 2019, and during each subsequent licensure renewal biennium. The course may be completed in either a live or online/distance learning format.

Rulemaking Authority 456.013(7), 456.0301(2), 463.005(1), 463.007 FS. Law Implemented 456.013(7), 456.0301(2), 463.007 FS. History—New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00, 10-2-01, 1-8-02, 5-8-02, 3-20-03, 12-25-06, 1-11-14, 4-10-14, _____.

64B13-5.002 Criteria for Approval.

(1) through (2) No change.

(3) Additional Criteria for Approval of Online/Distance Learning Courses.

(a) In addition to the requirements of subsections (1) and (2), providers seeking approval of online/distance learning courses shall also submit the following:

1. A description of whether the course is live interactive or on-demand;

2. A description of how participants may ask questions of the presenter and how and when those questions will be answered;

3. A copy of the online pre- and post-test, if applicable;

4. A description of how the provider will ensure the licensee seeking course credit is the person attending the course;

5. A description of the level of technology required for the licensee to participate in the course and how this requirement is conveyed to potential course attendees; and

6. How the provider will provide technical assistance to participants as appropriate to the course format.

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

Rulemaking Authority 456.013, 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00, 5-8-02, 8-19-03, 12-26-05, 12-25-06, 4-21-10, 7-21-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 30, 2018

Section III
Notice of Changes, Corrections and
Withdrawals

DEPARTMENT OF CHILDREN AND FAMILIES

RULE NOS.:	RULE TITLES:
65-6.017	Client Earnings
65-6.018	Personal Allowance
65-6.027	Use of Client Resources for Financial Eligibility

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 148, July 31, 2018 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-125.003	Unfair Discrimination Because of Travel Plans

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 44 No. 135, July 12, 2018 issue of the Florida Administrative Register.

This is to clarify that the proposed hearing date and time of Wednesday, August 1, 2018, 9:00 a.m., is rescheduled for Wednesday, August 8, 2018, 9:00 a.m.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-137.002	Annual Audited Financial Reports

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 44 No. 135, July 12, 2018 issue of the Florida Administrative Register.

This is to clarify that the proposed hearing date and time of Wednesday, August 1, 2018, 9:30 a.m., is rescheduled for Wednesday, August 8, 2018, 9:30 a.m.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation
 RULE NO.: RULE TITLE:
 69O-194.010 Fees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 44 No. 135, July 12, 2018 issue of the Florida Administrative Register. This is to clarify that the proposed hearing date and time of Wednesday, August 1, 2018, 10:00 a.m., is rescheduled for Wednesday, August 8, 2018, 10:00 a.m.

**Section IV
 Emergency Rules**

NONE

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

DEPARTMENT OF HEALTH

School Psychology
 RULE NO.:RULE TITLE:
 64B21-500.005 Experience Required for Licensure
 The Department of Health School Psychology hereby gives notice:
 Of the issuance of an Order granting the petition for Variance or Waiver, filed on June 27, 2018, by Donjulie Aranha. The Notice of Petition for Waiver or Variance was published on July 3, 2018, in Vol. 44, No. 129, of the Florida Administrative Register. No comments were received in response to the petition. Petitioner sought a variance or waiver from the requirement of Rule 64B21-500.005, F.A.C., that one and one-half hours of face to face interactive supervision per week be documented. The Department’s Order, filed on July 31, 2018, granted the Petitioner’s request because the Petitioner demonstrated that her face to face supervisory and general experience met or exceeded the underlying statute which requires a minimum of 2 years of supervision by an individual who is a licensed school psychologist supervisor.
 A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399, (850)245-4374 or Allen.Hall@FHHealth.gov.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission
 The Florida Elections Commission announces a public meeting to which all persons are invited.
 DATE AND TIME: August 14, 2018, 9:00 a.m. until adjourned
 PLACE: First District Court of Appeal, 2000 Drayton Drive, Tallahassee, Florida 32399.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Agency matters. Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports. Rules Review. Portions of this meeting are confidential and closed to the public.
 A copy of the agenda may be obtained by contacting: The Commission Clerk at (850)922-4539, by e-mail: FEC@myfloridalegal.com or write to: 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050, or by viewing the Commission’s web site: www.fec.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: The Commission Clerk at (850)922-4539. 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: The Commission Clerk at (850)922-4539, by e-mail: FEC@myfloridalegal.com or write to: 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050, or by viewing the Commission’s web site: www.fec.state.fl.us.

DEPARTMENT OF EDUCATION

Division of Florida Colleges
 The Florida State College at Jacksonville District Board of Trustees announce the following Ad Hoc Committee meeting which is open to the public.

DATE AND TIME: Wednesday, August 8, 2018, 12:00 Noon – 1:30 p.m.

PLACE: FSCJ Administrative Offices – Room 403A, 501 West State Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enrollment.

A copy of the agenda for the meeting may be obtained by contacting: District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu.

Copies of the agenda for the meeting will be available for inspection beginning Wednesday, August 1, 2018, and copies will be provided upon written request and the payment of approved duplicating charges.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the agency at least 24 hours before the meeting by contacting: The Office of the College President, District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu. 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).

Florida State College at Jacksonville, hereby reaffirms the principle of equal opportunity for all persons regardless of race, disability, color, ethnicity, national origin, religion, gender, age, sex, sexual orientation/ expression, marital status, veteran status, pregnancy or genetic information. Equal opportunity principle applies with regard to employment, delivery of educational programs and services, and all other appropriate areas in which the College is involved.

For more information, you may contact: District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: August 8, 2018, 4:30 p.m. – 6:30 p.m.

PLACE: Ramada Hotel and Conference Center, 9150 Baymeadows Road, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation invites you to a public hearing to discuss Financial Project Number 440389-1, which includes proposed changes to the roadway, signalization, striping and medians on Baymeadows Road (State Road 152) from I-95 to Baymeadows Circle East in Jacksonville. The hearing will begin with an open house from 4:30 p.m. to 6:30 p.m., followed by a public comment period at 6:30 p.m. Public participation is sought without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Peter Osborne, Florida Department of Transportation District 2, 2198 Edison Avenue, Jacksonville, Florida 32204, (904)360-5608 or peter.osborne@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sara Pleasants, 2198 Edison Avenue, Jacksonville, Florida 32204, (904)831-3368 or sara.pleasants@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

DATE AND TIME: August 8, 2018, 10:00 a.m.

PLACE: Charles F. Justice Conference Room, North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, FL 32653

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Comprehensive Economic Development Strategy Committee.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, FL 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council announces a public meeting to which all persons are invited.

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

PLACE: 4000 Gateway Centre Blvd., Ste. 100, Pinellas Park, Florida 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: Wren Krahl, Wren@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, Wren@tbrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl, Wren@tbrpc.org.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Sea Level Rise and Climate Resiliency Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 13, 2018, 11:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Ste. 100, Pinellas Park, Florida 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council's Sea Level Rise and Climate Resiliency Steering Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl, wren@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, wren@tbrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl, wren@tbrpc.org.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

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

DATE AND TIME: August 15, 2018, 2:30 p.m., ET

PLACE: District Headquarters, 81 Water Management Drive, Havana, Florida 32333-4712

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in Section 120.525, Florida Statutes, a public opening is hereby noticed within the timeline for Invitation to Bid (ITB) 18B-010 for the RENTAL AND SERVICE OF PORTABLE TOILETS FOR LOCATIONS IN ESCAMBIA AND SANTA ROSA COUNTIES.

A copy of the agenda may be obtained by contacting: Carol Bert, (850)539-5999, Carol.bert@nwfwater.com.

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

For more information, you may contact: Carol Bert, (850)539-5999, Carol.bert@nwfwater.com.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

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

DATE AND TIME: Tuesday, August 14, 2018, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Workshops / Public Hearings and Committee Meetings. Consideration of Suwannee River Water Management District business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Robin Lamm at (386)362-1001 or 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

The Florida E911 Board announces a public meeting to which all persons are invited.

DATES AND TIMES: September 18, 2018; September 19, 2018; October 17, 2018; and October 18, 2018; 9:00 a.m. to conclusion of business

PLACE: Both meetings will be held at 4075 Esplanade Way, Room 180

The call in phone number is: 1(888)670-3525 Conference Code: 2323004133

You may also join the meetings using your SmartPhone, computer or tablet, <http://global.gotomeeting.com/join802085821>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Florida E911 Board.

A copy of the agenda may be obtained by contacting: Leon Simmonds, (850)921-0041.

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: Leon Simmonds, (850)921-0041. 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: Leon Simmonds, (850)921-0041.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Probable Cause Panel of the Construction Industry Licensing Board announces a public meeting to which all persons are invited.

DATE AND TIMES: August 28, 2018, 10:00 a.m., ET; 11:00 a.m., ET

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202.

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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of

the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202. 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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, Product Approval Program Oversight Committee, announces a public meeting to which all persons are invited.

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

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Product approval & entities statistics report

Report on conditional approval from the June 2018 meeting.

Review of product approval and entity applications

Review and consider proposed changes to the State Product Approval rules and process as requested by Warren Schaefer (Product approval forum summary)

A copy of the agenda may be obtained by contacting: Zubeyde Binici, as set forth below or on the Commission website.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436. 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: Zubeyde Binici,

Product Approval POC, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436; or access information on the Commission's website, <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, Technical Advisory Chairpersons Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: August 14, 2018, 2:00 p.m.

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and decide on proposed research projects for FY 2017-2018. Take up and consider other matters that appear on the Technical Advisory Committee agenda.

A copy of the agenda may be obtained by contacting: Thomas Campbell, as set forth below or on the Commission website.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436. 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: Thomas Campbell, Code Administration Technical Advisory Committee, Office of Building Codes and Standards, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436 or access information on the Commission's website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday August 15, 2018, 8:30 a.m.

PLACE: The Biltmore, 1200 Anastasia Avenue, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Building Commission will review and decide on Accessibility Waiver Applications, review, and take up and consider other matters that appear on the Commission's agenda. Specifically, the Commission will address:

Accessibility Waiver Applications:

1. Bengal Properties, INC d/b/a The Park Apartments – Waiver 323 - 11110 56th Street, Temple Terrace, FL 33617 - Issue: Vertical accessibility to the second floor.
2. 2150 Park Ave Suite Hotel – Waiver 146 - 2150 Park Avenue, Miami Beach, FL 33139 - Issue: Vertical accessibility to the second floor.
3. Carlota at South Beach – Waiver 328 - 511 16th Street, Miami Beach, FL 33139 - Issue: Vertical accessibility to the entrance and second floor.
4. 5. Nexx Calle Ocho – Waiver 327 - 2340 SW 8th Street, Miami, FL 33135 - Issue: Vertical accessibility to the second floor.
5. Queens of Egypt – Waiver 318 - 313-A Macomb Street, Tallahassee, FL 32301 - Issue: Vertical accessibility to the second floor.
6. Monsieur Touton Distribution Center – Waiver 335 - 2805 NW 75th Avenue, Miami, FL 33122 -Issue: Vertical accessibility to the second floor.

Petitions for Declaratory Statements:

1. DS 2018-040 by Samuel A. Liberatore of G.B. Collins Engineering, P.A.
2. DS 2018-043 by Allen R. Finfrock of Finfrock DMC (withdrawal requested)
3. DS 2018-051 by Clark M. Stranahan of C4 Architecture, L.L.C.

A copy of the agenda may be obtained by contacting: Thomas Campbell as set forth below or on the Commission website.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. 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: Mr. Thomas Campbell, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772 or call (850)487-1825, refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF HEALTH
 Division of Children’s Medical Services
 The Florida Department of Health announces a public meeting to which all persons are invited.
 DATE AND TIME: August 24, 2018, 9:00 a.m.
 PLACE: The Bureau of Public Laboratories, 1217 North Pearl Street, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Newborn Screening and genetics related issues.
 A copy of the agenda may be obtained by contacting: Dusty Edwards, Dusty.Edwards@flhealth.gov.
 For more information, you may contact: Dusty Edwards, Dusty.Edwards@flhealth.gov.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid
 RULE NO.: RULE TITLE:
 59G-4.125 Behavior Analysis Services
 NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration has received the petition for declaratory statement from Jessup, Inc. The petition was received on July 12, 2018. The petition seeks the agency’s opinion as to the applicability of Rule 59G-4.125, Florida Administrative Code, as it applies to the petitioner.
 (This notice supersedes the notice published on July 20, 2018, in Volume 44, Number 141, of the Florida Administrative Register.)
 A copy of the Petition for Declaratory Statement may be obtained by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, Richard.shoop@ahca.myflorida.com, (850)412-3689. Persons other than the original parties to this proceeding whose substantial interests will be affected by the disposition of the declaratory statement may file a motion to intervene at the aforementioned address within 21 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
 DISTRICT BOARD OF TRUSTEES
 MIAMI DADE COLLEGE
 11011 S.W. 104th STREET
 MIAMI, FL 33176-3393
 Responses to the Invitation to Bid (ITB) listed below will be accepted in the PURCHASING DEPARTMENT, Room 9254, by 3:00 p.m. on August 14, 2018
 Prospective proposers may obtain the ITB solicitation at the College’s Purchasing Department website, <http://www.mdc.edu/purchasing/bid-posting.aspx>, or by calling (305)237-2402.

BID NUMBER: ITB 2019-GN-07
 BIDTITLE: Printing of The Reporter Newsletter
 Direct questions regarding this Bid to: Gaby Newsome –
 gnewsome@mdc.edu
 Purchasing Department, Miami Dade College, 11011 SW 104th
 Street, Miami, FL 33176, (305)237-0005
 If a person decides to appeal any decision with respect to any
 matter considered at the above cited meeting, you will need a
 record of the proceedings, and for such purpose you may need
 to ensure that a verbatim record of the proceedings is made,
 which record includes the testimony and evidence upon which
 the appeal is to be based. A copy of the agenda may be obtained
 by writing to: Miami Dade College, Office of the Purchasing
 Director, 11011 S.W. 104 Street, Miami, FL 33176 or by
 calling (305)237-2402.

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE
 Index of Administrative Rules Filed with the Secretary of State
 Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of
 rules were filed in the Office of the Secretary of State between
 3:00 p.m., Wednesday, July 25, 2018 and 3:00 p.m., Tuesday,
 July 31, 2018.

Rule No.	File Date	Effective Date
2A-9.002	7/31/2018	8/20/2018
2A-9.004	7/31/2018	8/20/2018
2A-9.008	7/31/2018	8/20/2018
6M-4.200	7/31/2018	8/20/2018
6M-4.208	7/31/2018	8/20/2018
6M-4.300	7/31/2018	8/20/2018
6M-8.604	7/31/2018	8/20/2018
11B-14.001	7/26/2018	8/15/2018
11B-14.005	7/26/2018	8/15/2018
11B-20.001	7/26/2018	8/15/2018
11B-20.0012	7/26/2018	8/15/2018
11B-20.0017	7/26/2018	8/15/2018
11B-21.005	7/26/2018	8/15/2018
11B-21.018	7/26/2018	8/15/2018

11B-27.0011	7/26/2018	8/15/2018
11B-27.002	7/26/2018	8/15/2018
11B-27.00212	7/26/2018	8/15/2018
11B-27.003	7/26/2018	8/15/2018
11B-27.005	7/26/2018	8/15/2018
11B-30.006	7/26/2018	8/15/2018
11B-30.012	7/26/2018	8/15/2018
11B-35.001	7/26/2018	8/15/2018
11B-35.0011	7/26/2018	8/15/2018
11B-35.002	7/26/2018	8/15/2018
11B-35.003	7/26/2018	8/15/2018
11B-35.006	7/26/2018	8/15/2018
11B-35.007	7/26/2018	8/15/2018
11B-35.009	7/26/2018	8/15/2018
11C-4.008	7/26/2018	8/15/2018
11C-6.004	7/26/2018	8/15/2018
11C-6.009	7/26/2018	8/15/2018
11G-5.002	7/26/2018	8/15/2018
11G-5.003	7/26/2018	8/15/2018
40A-3.011	7/26/2018	8/15/2018
40A-3.021	7/26/2018	8/15/2018
40A-3.037	7/26/2018	8/15/2018
40A-3.041	7/26/2018	8/15/2018
40A-3.051	7/26/2018	8/15/2018
40A-3.301	7/26/2018	8/15/2018
40A-3.341	7/26/2018	8/15/2018
40A-3.411	7/26/2018	8/15/2018
40A-3.502	7/26/2018	8/15/2018
40A-3.504	7/26/2018	8/15/2018
40A-3.507	7/26/2018	8/15/2018
40A-3.517	7/26/2018	8/15/2018
40A-3.901	7/26/2018	8/15/2018

59A-3.240	7/26/2018	8/15/2018
59A-3.241	7/26/2018	8/15/2018
59A-3.242	7/26/2018	8/15/2018
59A-3.243	7/26/2018	8/15/2018
59A-3.244	7/26/2018	8/15/2018
59A-3.245	7/26/2018	8/15/2018
59A-3.246	7/26/2018	8/15/2018
59A-3.247	7/26/2018	8/15/2018
59G-1.052	7/25/2018	8/14/2018
59G-7.003	7/25/2018	8/14/2018
61G2-3.001	7/30/2018	8/19/2018
64B8-8.001	7/26/2018	8/15/2018
65A-1.063	7/26/2018	8/15/2018
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

**Board of Pilot Commissioners
Pilotage Rate Review Committee**

The Board of Pilot Commissioners announces that two petitions for a change in the rates of pilotage charged by the licensed state pilots and certified deputy pilots at Port Everglades have been filed with the Pilotage Rate Review Committee, pursuant to Section 310.151, Florida Statutes and Rule 61G14, Florida Administrative Code.

The last rate change (increase) granted Port Everglades was June 13, 2001. The committee intends to consider the requested rate changes for Port Everglades filed separately by the Florida Caribbean Cruise Association and the Port Everglades Pilots Association, and will be considered simultaneously on the dates and times noticed.

The petition filed by the Florida-Caribbean Cruise Association on July 29, 2014 requests a 25% reduction of all fees which are based on draft or tonnage when applied to passenger vessels resulting in the following:

Draft charge reduction for passenger vessels only from \$13.30 per foot to \$9.975 per foot. Tonnage charge decreased, for passenger vessels only, from \$0.0356 to \$0.0267 for GRT between 0-80,000; from \$0.0343 to \$0.0257 for the next 50,000 GRT (80,001 - 130,000); and from \$0.0330 to \$0.0247 for any additional tonnage over 130,000.

All other charges currently in place at Port Everglades would remain the same.

The alternative petition filed by the Port Everglades Pilots Association on November 21, 2014 requests the following changes:

An adjustment in rates providing a tonnage discount between -25% and -50% to the largest vessels calling on Port Everglades but will result in a net adjustment of +11% in rates overall.

For vessels with a draft of 0-20 feet a charge of \$18.00 per draft foot (14-foot minimum); for vessels with a draft of 21-30 feet a charge of \$22.00 per draft foot; for a draft of 31-40 feet a charge of \$29.00 per draft foot; and for a draft of over 40 feet a charge of \$45.00 per draft foot.

Tonnage charges for the first 80,000 GT the charge per gross tonnage remains unchanged. On tonnage from 80,001-130,000 GT the charge will be \$.0267 per GT. On tonnage over 130,000 GT the charge will be \$.0178 per GT. Weekly "feeder sized vessels less than 18,000 GT will be charged \$.0320 per GT. Frequent caller vessels (at least 3 arrivals per week) of 2,500 - 80,000 GT will be charged \$.0320 per GT.

Other charges increase as follows: Detention \$150.00 per hour after the first 0.5 hours. Canceled or delayed sailings \$150.00 after pilot is dispatched to vessel. Running lines by pilot boat \$300.00. Shifting - \$330 plus draft and tonnage charge. Placing personnel on or off vessel by pilot boat will be \$200. Piloting or shifting ship or barge with motive power and/or steering will be 2.0 times draft and tonnage charge. Anchor will be \$400 plus draft and tonnage charge. Second pilot needed for safety or at the request of master, owners, agents, charters, operators, port or under consultation with the pilot, each pilot will receive full tariff charge. Deputy Training Charge - \$20.00 per certificated deputy pilot per movement on all vessel movements. A Pension charge of \$200 per vessel movement. (New charge. Note: This charge is not included in the calculation of the net adjustment of +11% requested above.)

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof within thirty (30) days of this publication by August 31, 2018.

The Committee's site visit to Port Everglades and the hearing of the Pilotage Rate Review Committee will be announced at a later date.

A copy of the applications for the rate change and for a copy of the investigative committee's report (when available) may be obtained by contacting: The Board of Pilot

Commissioners/Pilotage Rate Review Committee, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1982.
 For more information, you may contact: The Board of Pilot Commissioners/Pilotage Rate Review Committee, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF HEALTH
 Board of Medicine
 Emergency Action

On July 31, 2018, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Brian W. Benson, P.A., License # PA 9102139. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FLORIDA HOUSING FINANCE CORPORATION
 Notice of Funding Availability
 FLORIDA HOUSING FINANCE CORPORATION
 STATE APARTMENT INCENTIVE LOAN (SAIL)
 PROGRAM

2018 NOTICE OF FUNDING AVAILABILITY (NOFA)
 The Florida Housing Finance Corporation (Florida Housing) announces the availability of funding for the State Apartment Incentive Loan (SAIL) Program, pursuant to Section 420.5087, Florida Statutes, and Rule Chapter 67-48, Florida Administrative Code (F.A.C.) or a competitive solicitation, as applicable. The funding will be offered through one or more competitive solicitations.

In accordance with subsection 420.5087(1), Florida Statutes, program funds shall be made available in a manner that meets the need and demand for very low-income housing throughout the state. As determined by the most recent statewide low-income rental housing market studies, conducted in 2016, the need and demand are as follows: 53% for Large County; 37% for Medium County; and 10% for Small County designation developments.

In accordance with subsection 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be made available to designated tenant group categories at the percentages determined by using the 2016 statewide low-income rental housing market studies available.

Program funds shall be made available under this NOFA at the following percentages per tenant group: 5% for Commercial Fishing Worker/Farmworker; 10% for Homeless; 14% for Special Needs, 21% for Elderly [Note: This amount is subject to a 10% reduction of the 21% set-aside amount, with the funds being made available to applicants for the Elderly Housing Community Loan Program]; and 50% for Families. The funds made available to any demographic category may not be less than 10% of the funds available at that time, except for Commercial Fishing Worker/Farmworker which may not be less than 5% of the funds available.

Florida Housing currently anticipates the allocation of \$103,000,000 of SAIL funding for all competitive solicitations associated with the above tenant groups from funding sources as estimated below:

\$47,493,000= 2018-2019 Legislative Appropriation

\$55,507,000 = SAIL Program Income

The geographic distribution has been adjusted to meet the requirements of Section 420.5087, Florida Statutes, and will be based upon an anticipated funding level of \$103,000,000. This amount is subject to change. The anticipated geographic funding distribution is as follows:

COUNTY DESIGNATION FUNDING TARGET

Large \$54,590,000

Medium \$38,110,000

Small \$10,300,000

In accordance with the General Appropriation Act and House Bill 5003, for the 2018-2019 fiscal year, an additional \$30,000,000 of SAIL funding, plus \$8,939,000 remaining from the 2017-2018 fiscal year, will be made available for loans to construct workforce housing to serve primarily low-income persons throughout the state and, in the Florida Keys Area of Critical State Concern, to primarily serve moderate income persons when strategies are included in the local housing assistance plan to serve these households.

For more information on opening and closing dates of the competitive solicitations, or on how to submit an Application, please access Florida Housing’s Website at:

<http://www.floridahousing.org/programs/developers-multifamily-programs/competitive>.

If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

All Applications submitted in response to a competitive solicitation must be submitted to Florida Housing Finance Corporation in accordance with the requirements of the applicable Request for Applications, provisions of all applicable Florida Statutes, Rule Chapter 67-60, F.A.C., and Rule Chapter 67-48, F.A.C.

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.
