

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.: **RULE TITLES:**
 61B-60.001 Definitions and Scope
 61B-60.002 General Provisions; Forms and Fees
 61B-60.003 Application for and Renewal of Broker or Salesperson License
 61B-60.004 Bond and Irrevocable Letter of Credit
 61B-60.006 Escrow Trust Depository; Closing Transactions
 61B-60.008 Standards of Conduct; Penalties

PURPOSE AND EFFECT: To amend Rules 61B-60.001, 61B-60.002, 61B-60.003, 61B-60.004, 61B-60.006, and 61B-60.008, F.A.C., in order to clarify and bring current with changes made since the last rule amendment and incorporate the bill implementation plan that goes in to effect on July 1, 2020.

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking amends Rules 61B-60.001, 61B-60.002, 61B-60.003, 61B-60.004, 61B-60.006, and 61B-60.008, F.A.C., in order to update and bring current with changes made since the last rule amendment and incorporate the bill implementation plan that goes into effect on July 1, 2020.

RULEMAKING AUTHORITY: 215.405, 326.002, 326.003, 326.004. FS.

LAW IMPLEMENTED: 326.002(1), 326.004, 326.005, 326.006, 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: Rikki Taylor, Government Analyst, Division of Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)488-1631.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: **RULE TITLE:**
 61E14-1.001 Prelicensure Education Requirements

PURPOSE AND EFFECT: The proposed amendment is intended to update the language for prelicensure education requirements.

SUBJECT AREA TO BE ADDRESSED: To update rule language for prelicensure education requirements.

RULEMAKING AUTHORITY: 468.4315(2), 468.433(2)(d) FS.

LAW IMPLEMENTED: 468.433(2)(d) 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: Krista B. Woodard, Executive Director, Regulatory Council of Community Association Managers’ Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-0771.

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

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support

RULE NO.: **RULE TITLE:**
 64J-2.001 Definitions

PURPOSE AND EFFECT: To clarify that the variations on the term “site survey” in statute and rule have the same meaning.

SUBJECT AREA TO BE ADDRESSED: The definition of various terms used to describe the in-person or remote inspection and observation of trauma center operations to determine compliance with trauma center standards.

RULEMAKING AUTHORITY: 395.4001(13), (17), 395.401(1), (2), 395.4025(7), (9), (10), (14), 395.4036(1), 395.4045(3), (4), (5), (8), 395.405 FS.

LAW IMPLEMENTED: 381.0011, 381.0205, 395.3025(4)(f), 395.40(3)-(6), 395.401, 395.4015, 395.402, 395.4025, 395.4045, 395.405 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Leffler at (850)558-9535 or michael.leffler@flhealth.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64J-2.001 Definitions.

In addition to the definitions provided in Sections 395.401, 395.4001, 401.107, and 401.23, F.S., the following definitions apply to rules under Chapter 64J-2, F.A.C.:

(1) through (6) No change.

(7) Onsite visit, site survey, site review, site visit, on-site survey, on-site evaluation, and onsite review – means an in-person or Department-approved remote audio-visual inspection and observation of the resources and processes for providing trauma patient treatment and care, together with in-person or Department-approved remote inspection and review of original and electronic health records and documentation of the quality of trauma patient treatment, care, and trauma patient outcomes.

(7) through (15) renumbered (8) through (16) No change.

(17) This rule shall be reviewed, and if necessary, repealed or renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 395.4001(13), (17), 395.401(1), (2), 395.4025(7), (9), (10), (14), 395.4036(1), 395.4045(3), (4), (5), (8), 395.405 FS. Law Implemented 381.0205, 395.1031, 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.4036, 395.404, 395.4045, 395.405 FS. History—New 11-5-09, Amended 3-4-20,_____.

Section II Proposed Rules

ADMINISTRATION COMMISSION

RULE NO.: RULE TITLE:

28-18.400 Comprehensive Plan

PURPOSE AND EFFECT: The Commission intends to amend Rule 28-18.400, F.A.C., Comprehensive Plan, to remove obsolete provisions regarding prior Work Program tasks and to add new Work Program tasks concerning canal restoration in the City of Marathon, Florida.

SUMMARY: The proposed rule for the City of Marathon Comprehensive Plan identify the individual Work Program tasks set forth in Rule 28-18.400, F.A.C., and the completion dates of the Work Program tasks necessary for consideration by the Administration Commission prior to removal of the Area of Critical State Concern Designation. As required by Section 380.0552(4), Florida Statutes, the Work Program tasks specified in Administration Commission rules must be reported annually. The protection of the natural environment of the

Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-18.400, F.A.C.) is reported to the Department of Economic Opportunity for the preparation of a written annual report to the Administration Commission. The proposed amendment to Rule 28-18.400, F.A.C. removes obsolete provisions regarding the Work Program requirements relating to wastewater treatment and adds Work Program tasks concerning canal restoration activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. The proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 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: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 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:

DATE AND TIME: Tuesday, Oct 27, 2020 10:00 AM - 1:00 PM (EDT)

PLACE: The Hearing, if requested, will be held through GoToMeeting. Please join the meeting from your computer, tablet or smartphone at the following link.

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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: Regional Program Administrator Area of Critical State Concern, Department of Economic Opportunity, 107 East Madison Street, MSC #160, Tallahassee, Florida 32399, (850)717-8504, Barbara.Powell@deo.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: Regional Program Administrator Area of Critical State Concern, Department of Economic Opportunity, 107 East Madison Street, MSC #160, Tallahassee, Florida 32399, (850)717-8504, Barbara.Powell@deo.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

28-18.400 Comprehensive Plan.

(1) through (4) No change.

(5) WORK PROGRAM.

(a) Carrying Capacity Study Implementation.

~~1. By July 1, 2011, Marathon shall adopt a Comprehensive Plan Policy to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any city, county, state or federal agency. Marathon shall develop a mechanism to routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least 6 months prior to the deadline for administrative relief.~~

~~2. By July 1, 2011, Marathon shall adopt Land Development Regulations to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any city, county, state or federal agency.~~

~~3. By July 1, 2011, Marathon shall amend the Comprehensive Plan to limit allocations into high quality tropical hardwood hammock.~~

~~4. By July 1, 2011, Marathon shall amend the Land Development Regulations to limit allocations into high quality tropical hardwood hammock.~~

~~5. By July 1, 2011, Marathon shall adopt a Comprehensive Plan Policy discouraging private applications for future land use map amendments which increase allowable density/intensity on lands in the Florida Keys.~~

~~16. By July 1, 2011, and each July thereafter, Marathon shall evaluate its land acquisition needs and state and federal funding opportunities and apply annually to at least one state or federal land acquisition funding opportunity grant program.~~

~~7. through 11. are renumbered 2. through 6. No change~~

~~(b) Wastewater Implementation.~~

~~1. By July 1, 2011 and each July 1 thereafter, Marathon shall annually evaluate and allocate funding for wastewater implementation. Marathon shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.~~

~~2. December 1, 2013, Marathon shall work with the owners of wastewater facilities and onsite systems throughout the City and the Department of Environmental Protection (DEP) and the Department of Health (DOH) to fulfill the requirements of Sections 381.0065(3)(h) and (4)(l) and 403.086(10), F.S., regarding implementation of wastewater treatment and disposal. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet 2015 treatment and disposal requirements.~~

~~23. By July 1, 2011, Marathon shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal funding opportunity grant program for wastewater projects and connections.~~

~~4. By July 1, 2011, Marathon shall continue to develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement facilities.~~

~~5. By July 1, 2011 and each year through 2013, Marathon shall annually draft a resolution requesting the issuance of a portion of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.~~

~~6. By July 1, 2011, Marathon shall develop a mechanism to provide accurate and timely information and establish Marathon's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.~~

~~7. By December 1, 2012, Marathon shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central~~

~~sewer facility within the required timeframe to the Monroe County Health Department and the Department of Economic Opportunity. This report shall describe the status of Marathon's enforcement action and provide the circumstances of why enforcement may or may not have been initiated.~~

(c) Canal Restoration Implementation

1. By December 30, 2020, Marathon and its partners shall update the 2013 Canal Management Master Plan (CCMP) to include any updated water quality assessment of canals, a methodology to prioritize need for water quality improvement, appropriate restoration options and revised canal rankings based on new information.

2. By December 30, 2020, Marathon shall develop and adopt guidelines to select canals for restoration, including a process to evaluate the feasibility of the project, the proposed restoration design (evaluate long-term cost-effective solutions) and associated funding needs.

3. By December 30, 2020, and each year thereafter until 2030, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, Environmental Protection Agency (EPA), United States Army Corps of Engineers (ACOE), Florida Department of Environmental Protection (DEP), National Oceanic and Atmospheric Administration (NOAA), Florida Keys National Marine Sanctuary (FKNMS), and the South Florida Water Management District (SFWMD) to facilitate intergovernmental coordination and expedite review of canal restoration projects within the Florida Keys.

4. By July 1, 2021, Marathon shall identify and evaluate funding sources for the implementation of canal restoration projects and the continual operation and maintenance of canals post restoration.

5. By July 1, 2021, and each year thereafter until 2030, Marathon shall identify canal restoration projects and implementation plans for each canal project. Marathon shall provide a list of selected canal restoration projects to the Department of Economic Opportunity by October 1st of each year to be completed during the following work program reporting period.

6. By July 1, 2021, and each year thereafter until 2030, Marathon shall evaluate its canal restoration needs and state and federal funding opportunities and apply annually to at least one state or federal funding opportunity for canal restoration projects.

7. By July 1, 2021 and each year thereafter until 2030, Marathon shall annually evaluate and allocate funding for canal restoration implementation. Marathon shall identify any funding in the annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan.

8. By July 1, 2021, the Department of Economic Opportunity shall work with each stakeholder, including but not

limited to each local government, EPA, ACOE, DEP, NOAA/FKNMS, SFWMD, to facilitate intergovernmental coordination and review of alternative solutions, including reduced regulatory costs, for canal systems that are susceptible to receiving large inputs of seagrass and other accumulated organic material from near shore waters.

9. By July 1, 2022, and each year thereafter until 2030, Marathon shall report which canal restoration projects have been initiated and projects that were completed during the reporting period to the Department of Economic Opportunity for submission to the Administration Commission.

10. By July 1, 2022, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, EPA, ACOE, DEP, NOAA/FKNMS, SFWMD, to facilitate the permitting approval of the alternative solutions identified for canal systems with accumulated organic material issues to substantially reduce those inputs to levels that do not contribute to eutrophication, hypoxia, or other water and sediment quality issues within the canals.

11. By July 1, 2023, Marathon shall submit a plan to assess the effectiveness of completed canal restoration projects. The plan shall describe the methods, timeframes and potential funding sources to monitor the effectiveness of restoration projects based on water quality and ecological response factors. Marathon shall consult with the DEP Division of Environmental Assessment and Restoration to develop a cost-effective plan. The Department of Economic Opportunity will coordinate review of the completed plan with the DEP. Marathon shall account for agency review comments and modify the plan as necessary.

12. Beginning July 1, 2024, and annually thereafter until 2030, Marathon shall assess the effectiveness of canal restoration in accordance with the plan identified in subparagraph (5)(c)11. The DEP will make monitoring information related to Keys water quality available to Marathon to inform the assessment.

Wastewater Project Implementation:

1. Sub area 1: Knight's Key:

a. By July 1, 2011, Marathon shall secure plant site;

b. By December 1, 2011, Marathon shall construct Knight's Key Wastewater Plant;

e. By May 1, 2012, Marathon shall initiate connections; and

d. By July 1, 2012, Marathon shall complete connections (100%).

2. Sub area 2: Boot Key (non service area).

By July 1, 2011, Marathon shall ensure completion of upgrade.

3. Sub area 3: 11 Street — 39 Street (Vaca Key West).

- ~~a. By July 1, 2011, Marathon shall complete construction of plant;~~
- ~~b. By July 1, 2011, Marathon shall complete construction of collection system;~~
- ~~c. By July 1, 2011, Marathon shall initiate connections; and~~
- ~~d. By July 1, 2012, Marathon shall complete connections (100%).~~
 - ~~4. Sub area 4: Gulfside 39 Street (Vaca Key Central):~~
~~By July 1, 2013, Marathon shall complete connections (100%).~~
 - ~~5. Sub area 5: Little Venice (60 Street — Vaca Cut East):~~
 - ~~a. By July 1, 2012, Marathon shall complete construction of collection system;~~
 - ~~b. By July 1, 2012, Marathon shall initiate connections for Phase II;~~
 - ~~c. By July 1, 2013, Marathon shall complete connections (100%) for Phase II.~~
 - ~~6. Sub area 6 Vaca Cut Coco Plum (Fat Key Deer West):~~
~~By July 1, 2011, Marathon shall complete connections (100%).~~
 - ~~7. Sub area 7: Tom Harbor Bridge Grassy Key:~~
 - ~~a. By July 1, 2012, Marathon shall complete construction of plant;~~
 - ~~b. By July 1, 2012, Marathon shall bid and award design of collection system;~~
 - ~~c. By July 1, 2012, Marathon shall construction of collection system;~~
 - ~~d. By July 1, 2012, Marathon shall initiate connections; and~~
 - ~~e. By July 1, 2013, Marathon shall complete connections (100%).~~
- ~~(d) Stormwater Treatment Facilities:~~
 - ~~1. Beginning July 1, 2011 and each July 1 thereafter Marathon shall annually evaluate and allocate funding for stormwater implementation. Marathon shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.~~
 - ~~2. Beginning July 1, 2011 and each July 1 thereafter, Marathon shall annually apply for stormwater grants from the South Florida Water Management District.~~
 - ~~3. Sub area 3: 11 Street — 37 Street (Vaca Key West): By July 1, 2011, complete Stormwater Treatment Facilities simultaneously with wastewater projects, including the direct outfall retrofits for 27th Street and 24th Street.~~
 - ~~4. Sub area 5: Little Venice (60 Street — Vaca Cut East): By July 1, 2012, complete Stormwater Treatment Facilities simultaneously with wastewater projects.~~
 - ~~5. Sub area 7: Tom Harbor Bridge Grassy Key: By July 1, 2012, complete Stormwater Treatment Facilities simultaneously with wastewater projects.~~

~~6. By July 1, 2012, Marathon shall eliminate direct outfall retrofits for: 27th Street, Sombrero Islands, 24th Street, and 52nd Street.~~

~~Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History—New 6-17-11, Amended_____.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Spencer, Interim Secretary, Administration Commission.~~

~~NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission.~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 25, 2020.~~

ADMINISTRATION COMMISSION

~~RULE NO.: RULE TITLE:~~

~~28-19.310 Comprehensive Plan~~

~~PURPOSE AND EFFECT: The Commission intends to amend Rule 28-19.310, F.A.C., Comprehensive Plan, to remove obsolete provisions regarding prior Work Program tasks and to add new Work Program tasks concerning canal restoration in Islamorada, Village of Islands, Florida.~~

~~SUMMARY: The proposed rule for the Village of Islamorada Comprehensive Plan identify the individual Work Program tasks set forth in Rule 28-19.310, F.A.C., and the completion dates of the Work Program tasks necessary for consideration by the Administration Commission prior to removal of the Area of Critical State Concern Designation. As required by Section 380.0552(4), Florida Statutes, the Work Program tasks specified in Administration Commission rules must be reported annually. The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-19.310, F.A.C.) is reported to the Department of Economic Opportunity for the preparation of a written annual report to the Administration Commission. The proposed amendment to Rule 28-19.310, F.A.C. removes obsolete provisions regarding the Work Program requirements relating to wastewater treatment and adds Work Program tasks concerning canal restoration activities.~~

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. The proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 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: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 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:

DATE AND TIME: Tuesday, Oct 27, 2020 10:00 a.m. - 1:00 p.m. (EDT)

PLACE: The Hearing, if requested, will be held through GoToMeeting. Please join the meeting from your computer, tablet or smartphone at the following link.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Powell, Regional Program Administrator Area of Critical State Concern, Department of Economic Opportunity, 107 East Madison Street, MSC #160, Tallahassee, Florida 32399, (850)717-8504, Barbara.Powell@deo.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

28-19.310 Comprehensive Plan.

(1) through (4) No change.

(5) WORK PROGRAM.

(a) Carrying Capacity Implementation.

1. By July 1, 2011 and each July 1 thereafter, Islamorada shall evaluate its land acquisition needs and state and federal funding opportunities and apply to at least one state or federal land acquisition funding opportunity grant program.

2. through 6. No change.

(b) Wastewater Implementation.

1. Beginning July 1, 2011 and each July 1 thereafter, Islamorada shall identify any funding for wastewater implementation. Islamorada shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.

~~2. By December 1, 2013, Islamorada shall provide a final determination of non service areas requiring upgrade to meet Sections 381.0065(4)(l) and 403.086(10), F.S., wastewater treatment and disposal standards. This shall be in the form of a resolution including a map of the non service areas.~~

~~3. By December 1, 2013, Islamorada shall work with the owners of wastewater facilities and on-site systems throughout the Village and the Department of Environmental Protection (DEP) and the Department of Health (DOH) to fulfill the requirements of Sections 381.0065(3)(h) and (4)(l) and 403.086(10), F.S., regarding implementation of wastewater treatment and disposal systems. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet 2015 treatment and disposal standards.~~

4. By July 1, 2011 and by July 1 of each year thereafter, Islamorada shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal funding opportunity grant program for wastewater projects and connections.

~~5. By September 1, 2011, Islamorada shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.~~

~~6. By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall annually draft a resolution requesting the issuance of a portion of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.~~

~~7. By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall develop a mechanism to provide accurate and timely information and establish Islamorada's annual funding allocations necessary to provide unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.~~

~~8. By December 1, 2013, Islamorada shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection and the Department of Economic Opportunity. This report shall describe the status of Islamorada's enforcement action and provide the circumstances of why enforcement may or may not have been initiated.~~

~~(c) Canal Restoration Implementation.~~

~~1. By December 30, 2020, Islamorada and its partners shall update the 2013 Canal Management Master Plan (CCMP) to include any updated water quality assessment of canals, a methodology to prioritize need for water quality improvement, appropriate restoration options and revised canal rankings based on new information.~~

~~2. By December 30, 2020, Islamorada shall develop and adopt guidelines to select canals for restoration, including a process to evaluate the feasibility of the project, the proposed restoration design (evaluate long-term cost-effective solutions) and associated funding needs.~~

~~3. By December 30, 2020, and each year thereafter until 2030, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, Environmental Protection Agency (EPA), United States Army Corps of Engineers (ACOE), Florida Department of Environmental Protection (DEP), National Oceanic and Atmospheric Administration (NOAA), Florida Keys National Marine Sanctuary (FKNMS), and the South Florida Water Management District to facilitate intergovernmental coordination and expedite review of canal restoration projects within the Florida Keys.~~

~~4. By July 1, 2021, Islamorada shall identify and evaluate funding sources for the implementation of canal restoration projects and the continual operation and maintenance of canals post restoration.~~

~~5. By July 1, 2021, and each year thereafter until 2030, Islamorada shall identify canal restoration projects and implementation plans for each canal project. Islamorada shall provide a list of selected canal restoration projects to the Department of Economic Opportunity by October 1st of each year to be completed during the following work program reporting period.~~

~~6. By July 1, 2021, and each year thereafter until 2030, Islamorada shall evaluate its canal restoration needs and state and federal funding opportunities and apply annually to at least one state or federal funding opportunity for canal restoration projects.~~

~~7. By July 1, 2021 and each year thereafter until 2030, Islamorada shall annually evaluate and allocate funding for canal restoration implementation. Islamorada shall identify any~~

~~funding in the annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan.~~

~~8. By July 1, 2021, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, EPA, ACOE, DEP, NOAA/FKNMS, SFWMD, to facilitate intergovernmental coordination and review of alternative solutions, including reduced regulatory costs, for canal systems that are susceptible to receiving large inputs of seagrass and other accumulated organic matter from near shore waters.~~

~~9. By July 1, 2022, and each year thereafter until 2030, Islamorada shall report which canal restoration projects have been initiated and projects that were completed during the reporting period to the Department of Economic Opportunity for submission to the Administration Commission.~~

~~10. By July 1, 2022, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, EPA, ACOE, DEP, NOAA/FKNMS, SFWMD, to facilitate the permitting approval of the alternative solutions identified for canal systems with accumulated organic matter issues to substantially reduce those inputs to levels that do not contribute to eutrophication, hypoxia, or other water and sediment quality issues within the canals.~~

~~11. By July 1, 2023, Islamorada shall submit a plan to assess the effectiveness of completed canal restoration projects. The plan shall describe the methods, timeframes and potential funding sources to monitor the effectiveness of restoration projects based on water quality and ecological response factors. Islamorada shall consult with the DEP Division of Environmental Assessment and Restoration to develop a cost-effective plan. The Department of Economic Opportunity will coordinate review of the completed plan with the DEP. Islamorada shall account for agency review comments and modify the plan as necessary.~~

~~12. Beginning July 1, 2024, and annually thereafter until 2030, Islamorada shall assess the effectiveness of canal restoration in accordance with the plan identified in subparagraph (5)(c)11. The DEP will make monitoring information related to Keys water quality available to Islamorada to inform the assessment.~~

~~Wastewater Project Implementation.~~

~~1. By June 1, 2011, Islamorada shall provide a wastewater financing plan to the Department of Economic Opportunity and Administration Commission.~~

~~2. By July 1, 2011, Islamorada shall conclude negotiations with Key Largo Wastewater Treatment District for treatment capacity.~~

~~3. By July 1, 2011, Islamorada shall advertise for proposal for design-build-operate-finance construction of Village-wide wastewater system.~~

~~4. By July 1, 2011 submit a copy of contract agreement with Key Largo Wastewater District documenting acceptance of effluent or alternative plan with construction of wastewater treatment plants in Village that ensures completion and connection of customers by December 2015.~~

~~5. By July 1, 2011, Islamorada shall make available to its customers an additional 700 connections (Phase II) to the North Plantation Key Wastewater Treatment Plant (WWTP).~~

~~6. By September 1, 2011, Islamorada shall select the design build operate finance contractor for the Village wide wastewater system.~~

~~7. By October 1, 2011, Islamorada shall submit a wastewater construction status report to the Department of Economic Opportunity and the Administration Commission which includes substantial completion of construction prior to January 1, 2015 and final completion prior to July 1, 2015.~~

~~8. By September 1, 2013, Islamorada shall complete final design of the Village wide wastewater system.~~

~~9. By December 1, 2013, Islamorada shall commence construction of the Village wide wastewater system.~~

~~10. By June 1, 2014, Islamorada shall make available to its customers 25% of the Equivalent Dwelling Unit (EDU) connections to the Village wide wastewater system.~~

~~11. By December 1, 2014, Islamorada shall make available to its customers 50% of the Equivalent Dwelling Unit (EDU) connections to the Village wide wastewater system.~~

~~12. By June 1, 2015, Islamorada shall make available to its customers 75% of the Equivalent Dwelling Unit (EDU) connections to the Village wide wastewater system.~~

~~13. By December 1, 2015, Islamorada shall make available to its customers 100% of the Equivalent Dwelling Unit (EDU) connections to the Village wide wastewater system.~~

~~Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History—New 6-17-11, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Spencer, Interim Secretary, Administration Commission.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 25, 2020.

ADMINISTRATION COMMISSION

RULE NO.: 28-20.140
RULE TITLE: Comprehensive Plan

PURPOSE AND EFFECT: The Commission intends to amend Rule 28-20.140, F.A.C., Comprehensive Plan, to revise the timing of the adoption of the Tier Zoning Overlay Maps and

System, remove obsolete provisions regarding prior Work Program tasks, and to add new Work Program tasks concerning canal restoration in Monroe County, Florida.

SUMMARY: The proposed rule for the Monroe County Comprehensive Plan identify the individual Work Program tasks set forth in Rule 28-20.140, F.A.C., and the completion dates of the Work Program tasks necessary for consideration by the Administration Commission prior to removal of the Area of Critical State Concern Designation. As required by Section 380.0552(4), Florida Statutes, the Work Program tasks specified in Administration Commission rules must be reported annually. The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-20.140, F.A.C.) is reported to the Department of Economic Opportunity for the preparation of a written annual report to the Administration Commission. The proposed amendment to Rule 28-20.140 removes obsolete provisions regarding the Work Program requirements relating to wastewater treatment and adds Work Program tasks concerning canal restoration activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. The proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 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: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 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:

DATE AND TIME: Tuesday, Oct 27, 2020 10:00 AM - 1:00 PM (EDT)

PLACE: The Hearing, if requested, will be held through GoToMeeting. Please join the meeting from your computer, tablet or smartphone at the following link.

<https://global.gotomeeting.com/join/302972165>

You can also dial in using your phone.

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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: Barbara Powell, Regional Program Administrator Area of Critical State Concern, Department of Economic Opportunity, 107 East Madison Street, MSC #160, Tallahassee, Florida 32399, (850)717-8504, Barbara.Powell@deo.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: Barbara Powell, Regional Program Administrator Area of Critical State Concern, Department of Economic Opportunity, 107 East Madison Street, MSC #160, Tallahassee, Florida 32399, (850)717-8504, Barbara.Powell@deo.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

28-20.140 Comprehensive Plan.

(1) through (4) No change.

(5) WORK PROGRAM.

(a) Carrying Capacity Study Implementation.

1. Prior to the County adopting a resolution recommending the removal of the designation of Monroe County as an Area of Critical State Concern, pursuant to Section 380.0552(4)(b)3, F.S., Monroe County shall adopt the conservation planning mapping (the Tier Zoning Overlay Maps and System) into the Comprehensive Plan as an overlay to the Future Land Use Map. By July 1, 2012, Monroe County shall adopt the conservation planning mapping (the Tier Zoning Overlay Maps and System)

~~into the Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee with the adjusted Tier boundaries.~~

~~2. By July 1, 2012, Monroe County shall adjust the Tier I and Tier IIIA (SPA) boundaries to more accurately reflect the criteria for that Tier as amended by Final Order DCA07-GM166 and implement the Florida Keys Carrying Capacity Study, utilizing the updated habitat data, and based upon the recommendations of the Tier Designation Review Committee Work Group.~~

~~3. By July 1, 2012, Monroe County shall create Goal 106 to complete the 10 Year Work Program found in Rule 28-20.110, F.A.C., and to establish objectives to develop a build-out horizon in the Florida Keys and adopt conservation planning mapping into the Comprehensive Plan.~~

~~4. By July 1, 2012, Monroe County shall create Objective 106.2 to adopt conservation planning mapping (Tier Maps) into the Monroe Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee Work Group.~~

~~5. By July 1, 2012, Monroe County shall adopt Policy 106.2.1 to require the preparation of updated habitat data and establish a regular schedule for continued update to coincide with evaluation and appraisal report timelines.~~

~~6. By July 1, 2012, Monroe County shall adopt Policy 106.2.2 to establish the Tier Designation Work Group Review Committee to consist of representatives selected by the Florida Department of Economic Opportunity from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. This Committee shall be tasked with the responsibility of Tier designation review utilizing the criteria for Tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed amendments shall be recommended during 2009 and subsequently coincide with the Evaluation and Appraisal report timelines beginning with the second Evaluation and Appraisal review which follows the adoption of the revised Tier System and Maps as required above adopted in 2011. Each evaluation and appraisal report submitted following the 2011 evaluation and appraisal report shall also include an analysis and recommendations based upon the process described above.~~

~~27. By July 1, 2012 and each July thereafter, Monroe County and the Monroe County Land Authority shall submit a report annually to the Administration Commission on the land acquisition funding and efforts in the Florida Keys to purchase Tier I and Big Pine Key Tier II lands and the purchase of parcels where a Monroe County building permit allocation has been denied for four (4) years or more. The report shall include an~~

identification of all sources of funds and assessment of fund balances within those sources available to the County and the Monroe County Land Authority.

~~8. By July 1, 2012, Monroe County shall adopt Land Development Regulations to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas or Tier I lands unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any county, state, federal or any private entity. The County shall develop a mechanism to routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least 6 months prior to the deadline for administrative relief.~~

~~9. By July 1, 2012, in order to implement the Florida Keys Carrying Capacity Study, Monroe County shall adopt a Comprehensive Plan Policy to discourage private applications for future land use changes which increase allowable density/intensity.~~

~~340. By July 1, 2011, Monroe County shall evaluate its land acquisition needs and state and federal funding opportunities and apply annually to at least one state or federal land acquisition funding opportunity grant program.~~

11. through 15. are renumbered 4. through 8. No change.

(b) Wastewater Implementation.

1. By July 1, 2011, Monroe County shall annually evaluate and allocate funding for wastewater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.

~~2. By December 1, 2013, Monroe County shall work with the owners of wastewater facilities and onsite systems throughout the County and the Department of Health (DOH) and the Department of Environmental Protection (DEP) to fulfill the requirements of Sections 403.086(10) and 381.0065(3)(h) and (4)(l), F.S., regarding implementation of wastewater treatment and disposal. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet the 2015 treatment and disposal standards.~~

~~3. By July 1, 2011, Monroe County shall annually draft a resolution requesting the issuance of \$50 million of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.~~

~~4. By July 1, 2011, Monroe County shall develop a mechanism to provide accurate and timely information and establish the County's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and~~

~~to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.~~

~~25. By July 1, 2011, Monroe County shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal funding opportunity grant program for wastewater projects and connections.~~

~~6. By July 1, 2011, Monroe County shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.~~

~~7. By December 1, 2013, the County shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection and the Department of Economic Opportunity. This report shall describe the status of the County's enforcement action.~~

(c) Wastewater Project Implementation.

1. Key Largo Wastewater Treatment Facility. Key Largo Wastewater Treatment District is responsible for wastewater treatment in its service area and the completion of the Key Largo Wastewater Treatment Facility.

~~a. By July 1, 2012, Monroe County shall complete construction of the South Transmission Line;~~

~~b. By July 1, 2013, Monroe County shall complete design of Collection basin C, E, F, G, H, I, J and K;~~

~~e. By July 1, 2012, Monroe County shall complete construction of Collection basins E H;~~

~~d. By December 1, 2011, Monroe County shall schedule construction of Collection basins I K;~~

~~e. By July 1, 2011, Monroe County shall complete construction of Collection basins I K;~~

f. By July 1, 2011, Monroe County shall complete 50% of hook ups to Key Largo Regional WWTP;

g. By July 1, 2012, Monroe County shall complete 75% of hook ups to Key Largo Regional WWTP;

h. By July 1, 2013, Monroe County shall complete all remaining connections to Key Largo Regional WWTP.

2. Hawk's Cay, Duck Key and Conch Key Wastewater Treatment Facility.

~~a. By July 1, 2012, Monroe County shall complete construction of Hawk's Cay WWTP upgrade/expansion, transmission and collection system;~~

~~b. By July 1, 2013, Monroe County shall complete construction of Duck Key collection system;~~

~~e. By July 1, 2012, Monroe County shall initiate property connections to Hawk's Cay WWTP;~~

~~d. By December 1, 2012, Monroe County shall complete 50% of hook ups to Hawk's Cay WWTP;~~

~~e. By July 1, 2013, Monroe County shall complete 75% of hook ups to Hawk's Cay WWTP; and~~

~~f. By July 1, 2014, Monroe County shall complete all remaining connections to Hawk's Cay WWTP.~~

3. South Lower Keys Wastewater Treatment Facility (Big Coppitt Regional System).

~~a. By July 1, 2012, Monroe County shall complete 75% hookups to South Lower Keys WWTP; and~~

~~b. By July 1, 2013, Monroe County shall complete all remaining connections to the South Lower Keys WWTP.~~

4. Cudjoe Regional Wastewater Treatment Facility.

~~a. By July 1, 2011, Monroe County shall complete planning and design documents for the Cudjoe Regional Wastewater Treatment Facility, the Central Area (Cudjoe, Summerland, Upper Sugarloaf) collection system and the Central Area Transmission Main;~~

~~b. By October 1, 2012, Monroe County shall initiate construction of Wastewater Treatment Facility, Central Area Collection System and Central Area Transmission Main;~~

~~c. By July 1, 2014, Monroe County shall initiate construction of Wastewater Treatment Facility, Central Area Collection System and Central Area Transmission Main;~~

~~d. By February 1, 2012, Monroe County shall complete construction of Wastewater Treatment, Outer Area Collection System and Transmission Main;~~

~~e. By February 1, 2015, Monroe County shall complete construction of Outer Area collection and transmission main;~~

~~f. By July 1, 2014, Monroe County shall initiate property connections—complete 25% of hook ups to Cudjoe Regional WWTP;~~

~~g. By July 1, 2015, Monroe County shall complete 50% of hook ups to Cudjoe Regional WWTP; and~~

~~h. By December 1, 2015, Monroe County shall complete remaining hook-ups to Cudjoe Regional WWTP.~~

(d) Canal Restoration Implementation.

1. By December 30, 2020, Monroe County and its partners shall update the 2013 Canal Management Master Plan (CCMP) to include any updated water quality assessment of canals, a methodology to prioritize need for water quality improvement, appropriate restoration options and revised canal rankings based on new information.

2. By December 30, 2020, Monroe County shall develop and adopt guidelines to select canals for restoration, including a process to evaluate the feasibility of the project, the proposed restoration design (evaluate long-term cost-effective solutions) and associated funding needs.

3. By December 30, 2020, and each year thereafter until 2030, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, Environmental Protection Agency (EPA), United States Army Corps of Engineers (ACOE), Florida Department

of Environmental Protection (DEP), National Oceanic and Atmospheric Administration (NOAA), Florida Keys National Marine Sanctuary (FKNMS), and the South Florida Water Management District (SFWMD) to facilitate intergovernmental coordination and expedite review of canal restoration projects within the Florida Keys.

4. By July 1, 2021, Monroe County shall identify and evaluate funding sources for the implementation of canal restoration projects and the continual operation and maintenance of canals post restoration.

5. By July 1, 2021, and each year thereafter until 2030, Monroe County shall identify canal restoration projects and implementation plans for each canal project. Monroe County shall provide a list of selected canal restoration projects to the Department of Economic Opportunity by October 1st of each year to be completed during the following work program reporting period.

6. By July 1, 2021, and each year thereafter until 2030, Monroe County shall evaluate its canal restoration needs and state and federal funding opportunities and apply annually to at least one state or federal funding opportunity for canal restoration projects.

7. By July 1, 2021 and each year thereafter until 2030, Monroe County shall annually evaluate and allocate funding for canal restoration implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan.

8. By July 1, 2021, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, EPA, ACOE, DEP, NOAA/FKNMS, SFWMD, to facilitate intergovernmental coordination and review of alternative solutions, including reduced regulatory costs, for canal systems that are susceptible to receiving large inputs of seagrass and other accumulated organic material from near shore waters.

9. By July 1, 2022, and each year thereafter until 2030, Monroe County shall report which canal restoration projects have been initiated and projects that were completed during the reporting period to the Department of Economic Opportunity for submission to the Administration Commission.

10. By July 1, 2022, the Department of Economic Opportunity shall work with each stakeholder, including but not limited to each local government, EPA, ACOE, DEP, NOAA/FKNMS, SFWMD, to facilitate the permitting approval of the alternative solutions identified for canal systems with accumulated organic material issues to substantially reduce those inputs to levels that do not contribute to eutrophication, hypoxia, or other water and sediment quality issues within the canals.

11. By July 1, 2023, Monroe County shall submit a plan to assess the effectiveness of completed canal restoration projects.

The plan shall describe the methods, timeframes and potential funding sources to monitor the effectiveness of restoration projects based on water quality and ecological response factors. Monroe County shall consult with the DEP Division of Environmental Assessment and Restoration to develop a cost-effective plan. The Department of Economic Opportunity will coordinate review of the completed plan with the DEP. Monroe County shall account for agency review comments and modify the plan as necessary.

12. Beginning July 1, 2024, and annually thereafter until 2030, Monroe County shall assess the effectiveness of canal restoration in accordance with the plan identified in subparagraph (5)(c)11. The DEP will make monitoring information related to Keys water quality available to Monroe County to inform the assessment.

~~Stormwater Treatment Facilities.~~

~~1. By July 1, 2011, Monroe County shall evaluate and allocate funding for stormwater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.~~

~~2. By July 1, 2011, Monroe County shall apply for stormwater grants from the South Florida Water Management District.~~

~~3. By July 1, 2011, Monroe County shall complete Card Sound Road stormwater improvements.~~

~~Rulemaking Authority 380.0552(9), 380.05(22) FS. Law Implemented 380.0552 FS. History—New 6-17-11, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher Spencer, Interim Secretary, Administration Commission.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 25, 2020.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NOS.:	RULE TITLES:
61G5-20.004	Display of Documents
61G5-20.008	Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration

PURPOSE AND EFFECT: The rule amendments remove the regulation of Hair Braiders, Hair Wrappers, and Body Wrappers from these Board rules.

SUMMARY: These rule amendments propose to delete regulations of Hair Braiders, Hair Wrappers, and Body Wrappers.

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: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025, 477.0132(2), 477.019(4), 477.0201(6) 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: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, Krista.Woodard@dbpr.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.004 Display of Documents.

(1) No change.

(2) All holders of a cosmetology or specialty salon license shall require and ensure that all individuals engaged in the practice of cosmetology, ~~or any specialty, hair braiding, hair wrapping, or body wrapping~~ display at the individual's work station their current license or registration at all times when the

individual is performing cosmetology, ~~or a specialty, hair braiding, hair wrapping, or body wrapping services.~~ The license or registration certificate on display shall be current ~~the original certificate or a duplicate issued by the Department~~ and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated ~~as of July 1, 2007.~~

(3) ~~All~~ By July 1, 2008, all holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation, and safety. Copies of this notice, ~~{revised 10/15/07, and incorporated herein by reference,}~~ may be obtained from the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399-0790, and the Call Center by calling (850)487-1395, or at http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_consumer_protection_flier_thepriceofbeauty.pdf. Rulemaking Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended 3-22-00, 12-6-06, 3-10-08, _____.

61G5-20.008 Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration.

(1) No change.

(2) Holders of a cosmetology or specialty salon license who wish to permit an applicant for registration as a specialist to perform specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., ~~or who wish to permit applicants for registration as a hair braider, hair wrapper, or body wrapper to perform hair braiding, hair wrapping, or body wrapping services in their salon pursuant to Rule 61G5-31.006, F.A.C.,~~ shall:

(a) Prior to permitting an applicant to perform any specialty services ~~or hair braiding, hair wrapping, or body wrapping services~~ in their salon, obtain from the applicant a copy of the completed application for registration that includes proof of successful completion of the education requirements and payment of the applicable fees submitted to the Department by the applicant;

(b) Upon learning or in any way becoming aware that an applicant who is performing specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., ~~or performing hair braiding, hair wrapping, or body wrapping services in their salon pursuant to Rule 61G5-31.006, F.A.C.,~~ has been notified that his or her application is incomplete, or has been determined by the Board to be not qualified for registration as a specialist, shall immediately cease to permit the applicant to further perform specialty services;

(c) Display in a conspicuous place at the cosmetology or specialty salon in which the applicant performs specialty services pursuant to Rule 61G5-29.004, F.A.C., ~~or hair braiding, hair wrapping, or body wrapping services pursuant to Rule 61G5-31.006, F.A.C.,~~ a copy of the completed application for registration as a specialist ~~or application for registration as a hair braider, hair wrapper, or body wrapper~~ submitted to the Department by the applicant.

Rulemaking Authority 477.016, 477.025(2) FS. Law Implemented 477.0132(2), 477.019(4), 477.0201(6) FS. History—New 10-18-87, Amended 5-2-91, Formerly 21F-20.008, Amended 11-11-96, 12-21-97, 11-25-98, 4-3-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2020
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 14, 2020

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.0015
 RULE TITLE: Performance of Cosmetology or Specialty Services Outside a Licensed Salon

PURPOSE AND EFFECT: The rule amendment is intended to clarify the statutory changes set forth in HB 1193.

SUMMARY: This rule amendment clarifies services that may be performed in a location other than a licensed salon.

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: 477.016, 477.025(2), 477.0263(2),(4), 477.0135(4) FS.

LAW IMPLEMENTED: 477.025(2), 477.0263(2), (4), 477.0135(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: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, Krista.Woodard@dbpr.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.0015 Performance of Cosmetology or Specialty Services Outside a Licensed Salon.

(1) "Special events" ~~are is defined as~~ weddings, fashion shows, and other organized public or private events with a duration of no more than three consecutive days, and where cosmetology services are essential to the event, and the cosmetologist does not provide services to the general public as approved by the board.

(2) Cosmetology or specialty services may be performed by a licensed cosmetologist or specialist in a location other than a licensed salon, including a hospital, nursing home, residence, or similar facility, when a client for reasons of ill health is unable to go to a licensed salon. Such services are not to be performed upon employees or person who do not reside in the facility, or any other non-qualified persons. Arrangements for the performance of cosmetology services pursuant to this subsection shall be made only through a licensed salon.

(3) Cosmetology services may only be performed in a photography studio salon subject to the following requirements:

(a) Only hair-arranging services and the application of cosmetic products may be performed in a photography studio salon; ~~and, may only be performed~~ for the purpose of preparing a model or client of the photography studio for a photographic session. Shampooing the hair, hair cutting, hair coloring, permanent waving of the hair, hair relaxing, ~~removing of hair removal~~, manicuring, pedicuring, and the performance of any other service defined as cosmetology may not be performed in a photography studio salon.

(b) through (c) No change.

(4) Hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleansing may be performed in a location other than a licensed salon when the service is performed by a person who holds the proper license.

~~(5)(4)~~ The following procedures shall be followed when performing cosmetology services outside of a licensed salon:

(a) Information as to the name and contact information of the client and the address at which the services are to be performed shall be recorded in an ~~the~~ appointment book.

(b) For services required to be scheduled through a salon, ~~the~~ The appointment book shall remain at the salon and be made available upon request to any investigator or inspector of the Department.

(c) For services in subsection (4) that have been scheduled directly with the licensed cosmetologist or specialist, the appointment book shall remain with the provider.

Rulemaking Authority 477.016, 477.025(2), 477.0263~~(2),(4)~~, 477.0135(4) FS. Law Implemented 477.013(11), 477.025(2), 477.0263(2), (4), 477.0135(4) FS. History—New 12-29-83, Amended 10-6-85, Formerly 21F-20.015, 21F-20.0015, Amended 11-25-98, 8-12-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2020

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-30.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The rule amendment removes the regulation of Body Wrappers from the Board rule.

SUMMARY: The rule amendment proposes to delete regulations of Body Wrappers.

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: 455.2273, 477.016 FS.

LAW IMPLEMENTED: 455.2273, 477.029(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, Krista.Woodard@dbpr.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-30.001 Disciplinary Guidelines.

(1) The Board shall act in accordance with the following guidelines when it finds the enumerated violations in disciplinary cases. The Board shall impose a penalty within the range of each applicable disciplinary violation set forth below unless the Board finds an aggravating or mitigating circumstance, in which case the Board may deviate from the guideline penalty.

(2) VIOLATION	PENALTY RANGE
(a) through (f) No change.	
(g) Advertising or implying that skin care services or body wrapping are related to massage therapy, except as allowed by statute. (Section 477.0265(1)(f), F.S.)	A fine of \$100 to \$200 for the first offense; a fine of \$500 for subsequent offenses.
(h) through (n) No change.	

(3) through (6) No change.

Rulemaking Authority 455.2273, 477.016 FS. Law Implemented 455.2273, 477.029(2) FS. History—New 10-20-86, Amended 10-18-87, 1-10-90, 1-30-92, 4-15-93, Formerly 21F-30.001, Amended 4-23-02, 5-29-06, 7-18-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 14, 2020

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-10.032 Notice Requirements

61J2-10.038 Mailing Address

PURPOSE AND EFFECT: he purpose of the amendment is to update the rule to no longer reference a federal rule and procedure which does not appear to be current; it will also ensure that statutory mandates are fully implemented.

SUMMARY: Update rule language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 475.05, 475.25 FS.

LAW IMPLEMENTED: 83.49(3)(d), 455.275, 475.25 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: Giuvanna Corona, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, FL 32801, Giuvanna.Corona@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.032 Notice Requirements.

(1) through (3) No change.

(4) Brokers who are entrusted with an earnest money deposit (EMD), pursuant to a residential sales contract utilized by the Department of Housing and Urban Development (HUD) in the sale of property owned by HUD, shall comply with the EMD requirements of the specific HUD contract, and are not required to follow the notice or settlement procedures of section 475.25(1)(d)1., F.S., and subsection (1) of this rule. ~~The broker is to follow HUD's Agreement to Abide, Broker Participation Requirements, and 24 C.F.R. s. 291.135 as they pertain to the proper disposition of EMDs.~~

Rulemaking Authority 475.05, 475.25 FS. Law Implemented 83.49(3)(d), 475.25 FS. History—New 10-13-85, Formerly 21V-10.32, Amended 2-18-92, 12-8-92, 6-28-93, Formerly 21V-10.032, Amended 11-16-93, 6-6-94, 8-6-96, 11-10-97, 1-17-02, ____.

61J2-10.038 Mailing Address: Place of Practice: Requirement for Notification.

(1) Pursuant to section 455.275(1), F.S., the Commission defines “current mailing address” as the current residential address which is used by a licensee or permit holder to receive mail through the United States Postal Service and the Commission defines “place of practice” as the physical location of the Real Estate Brokerage office established and maintained pursuant to Section 475.22(1), F.S.

(2) Each licensee and permit holder is required to notify the Department ~~BPR~~ in writing of the current mailing and e-mail address and any change in the current mailing or e-mail address within 10 days after the change. A first time failure to comply with this requirement shall result in the issuance of a Citation; second or subsequent violations will result in disciplinary proceedings against the licensee.

Rulemaking Authority 455.275(1), 475.05 FS. Law Implemented 455.275 FS. History—New 4-9-95, Amended ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 16, 2020

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.: RULE TITLES:

64B9-3.002 Qualifications for Examination

64B9-3.016 Multi-State License Upgrade

PURPOSE AND EFFECT: The Board proposes the amendment of the rules to revise the forms incorporated in the rules.

SUMMARY: The incorporated forms will be revised.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.013, 464.006 FS.

LAW IMPLEMENTED: 456.013, 456.0135, 456.0635, 464.0195(3), 464.008, 464.0095, art.III(3)(d), 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: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; MQA.Nursing@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.002 Qualifications for Examination.

An applicant seeking certification to take the licensure examination shall submit a completed Nursing Licensure by Examination Application, form number DH-MQA 1094, 06/20, hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-12201>, or Nursing Licensure by Re-Examination Application, form number DH-MQA 1120, ~~08/19~~ 08/20, hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-11475>, demonstrating that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. These forms are also available from the Board office or on the Board's website: <http://floridasnursing.gov>. The demonstration shall include:

- (1) through (4) No change.

Rulemaking Authority 456.013, 464.006 FS. Law Implemented 456.013, 456.0135, 464.0195(3), 456.0635, 464.008, 464.0095, art.III(3)(d) FS. History—New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, 5-8-01, 9-23-03, 1-29-07, 11-22-07, 12-7-10, 6-13-17, 1-19-18, 3-3-19, 1-2-20, 10-14-20, _____.

64B9-3.016 Multi-State License Upgrade.

Registered and practical nurses currently licensed in Florida may upgrade their licenses to include multi-state practice by submitting a Multi-State License Upgrade Application, Form DH-MQA 5024, ~~08/19~~ 08/2020 hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-11477> or from the Board office or on the Board's website: <http://www.FloridasNursing.gov>.

Rulemaking Authority 456.013, 464.006 FS. Law Implemented 456.013, 456.0635, 464.0095 FS. History—New 1-19-18, Amended 3-3-19, 1-2-20, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 8, 2020

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-3.001 Licensure.
64B17-3.002 Licensure Examination and Passing Score;
 Laws and Rules Examination; Additional
 Requirements After Third Failure.

PURPOSE AND EFFECT: The amendment to 64B17-3.001, F.A.C. assists physical therapist and physical therapist assistant applicants by updating the application to be consistent with statutes and rules. The amendment to 64B17-3.002, F.A.C. incorporates the revised Form DH-MQA 1143.

SUMMARY: The proposed amendment to 64B17-3.001, F.A.C. incorporates the revised application form, which updates the health history questions. Form DH-MQA 1143 incorporated in rule 64B17-3.002, F.A.C. has been revised to reformat the application and to make it more user friendly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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, 486.025, 486.031(3), 486.104 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.0635, 456.38, 486.031, 486.041, 486.051, 486.061, 486.0715, 486.081, 486.102, 486.103, 486.104 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3252, or by email at allen.hall@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.001 Licensure.

(1) Application. Every person who applies for licensure as a physical therapist or physical therapist assistant shall file DOH Form #DH-MQA 1142, Application for Physical Therapist or Physical Therapist Assistant Licensure, revised ~~8/2020~~ ~~10/16~~, which is hereby incorporated by reference and is available through <http://www.flrules.org/Gateway/reference.asp?No=Ref-07860>, or www.floridasphysicaltherapy.gov/resources.

(2) through (4) No change.

Rulemaking Authority 456.013, 456.017, 486.025, 486.031(3), 486.104 FS. Law Implemented 456.013, 456.017, 456.0635, 456.38, 486.031, 486.041, 486.051, 486.061, 486.0715, 486.081, 486.102, 486.103, 486.104 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07, 5-11-08, 5-21-09, 8-10-09, 7-5-10, 12-17-12, 12-15-14, 2-14-17, 10-22-17, 5-14-20, _____.

64B17-3.002 Licensure Examination and Passing Score; Laws and Rules Examination; Additional Requirements After Third Failure.

(1) through (3) No change.

(4) Examination retakes.

(a) In order to retake either the NPTE or the Florida Laws and Rules Examination, an applicant must reapply, using DOH Form #DH-MQA 1143, Re-Examination Application for Physical Therapist or Physical Therapist Assistant, Revised ~~05/2020~~ ~~11/15~~, incorporated by reference, which is available through

<http://www.flrules.org/Gateway/reference.asp?No=Ref-07861> or www.floridasphysicaltherapy.gov/resources.

(b) No change.

Rulemaking Authority 456.017, 486.025, 486.104 FS. Law Implemented 456.017, 456.0635, 486.031, 486.051, 486.102, 486.104 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, 12-5-04, 4-9-06, 1-7-07, 6-27-07, 5-21-09, 8-10-09, 6-29-10, 2-14-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2020 (64B17-3.001); May 15, 2020 (64B17-3.002)

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2020

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.:	RULE TITLE:
69V-40.0312	Application Procedure for Loan Originator License
69V-40.0321	Application Procedure for a Mortgage Broker License
69V-40.036	Application Procedure for a Mortgage Broker Branch Office License
69V-40.0611	Application Procedure for a Mortgage Lender License
69V-40.066	Application Procedure for a Mortgage Lender Branch Office License

PURPOSE AND EFFECT: The purpose and effect of the amended rules is to provide an additional 45 days for submission of additional application information and to provide for the disposition of incomplete applications.

SUMMARY: The amended rules will provide an additional 45 days for submission of additional application information and provide for the disposition of incomplete applications.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 494.0011(2), 494.00312(2), 494.00321(2), 494.0036(2), 494.00611(2), 494.0066 FS.

LAW IMPLEMENTED: 494.0011(2), 494.00312, 494.00321, 494.0036, 494.00611, 494.0066 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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.0312 Application Procedure for Loan Originator License.

(1) Each individual desiring to obtain licensure as a loan originator shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed NMLS Individual Form (Form MU4), filed through the Registry;

(b) The statutory nonrefundable application fee of \$195 filed through the Registry;

(c) The statutory nonrefundable mortgage guaranty fund assessment fee of \$20, if required by section 494.00172, F.S., filed through the Registry;

(d) Evidence that the applicant has been awarded a high school diploma or the equivalent;

(e) Confirmation from the Registry that the applicant has satisfied the requirement to complete a 20-hour pre-license class approved by the Registry, of which a minimum of 2 hours shall cover the provisions of chapter 494, F.S., and rule chapter 69V-40, F.A.C.;

(f) Confirmation from the Registry that the applicant has satisfied the requirement to pass a test developed by the Registry and administered by a provider approved by the Registry;

(g) Submit fingerprints to the Registry for submission to the Federal Bureau of Investigation for a federal criminal background check;

(h) Submit fingerprints to a live scan vendor approved by the Florida Department of Law Enforcement and published on the Florida Department of Law Enforcement's website (<http://www.fdle.state.fl.us/Content/Criminal-History/documents/ApplicantLivescanService-ProvidersVendors.aspx>) for submission to the Florida Department of Law Enforcement for a state criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor;

(i) Authorize the Registry to obtain and make available to the Office an independent credit report on the applicant.

(2) Request for Additional Information. Within 30 days of receipt, the Office shall review each loan originator application and inform the applicant of any request for additional

information required to complete its review. The additional information must be received by the Office within 45 days from the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure by the applicant to respond within 45 days from the date of the request shall be construed by the Office of Financial Regulation as grounds for denial for failure to provide the requested information.

(3) Amendments to Pending Applications. If the information contained in the NMLS Individual Form (Form MU4) or any amendment thereto becomes inaccurate for any reason the applicant shall file an amendment through the Registry correcting such information within 15 days of the change. An amendment changing answers to question 6 on the NMLS Individual Form (Form MU4) shall be considered a material change to the application and grounds for denial of the application.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office by filing such request through the Registry.

(5) Upon approval of an application, a loan originator license will be issued with an expiration date of December 31 for the year in which the license was issued.

(6) NMLS Individual Form (Form MU4) is incorporated by reference in rule 69V-40.002, F.A.C.

(7) Persons wishing to obtain a waiver of licensure fees as set forth in section 494.00312(8), F.S., shall submit to the Office of Financial Regulation, via electronic filing through the Registry, a completed Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, Form OFR-MIL-001, effective 09-2018, which is hereby incorporated by reference, and also incorporated by reference in rule 69V-40.002, F.A.C., and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-09912>. Such form must be submitted within one hundred eighty (180) days after payment of licensure fees. For the complete processing of Form OFR-MIL-001, a loan originator application must be deemed received pursuant to the provisions of section 494.00312(3), F.S.

Rulemaking Authority 494.0011(2), 494.00312(2), 494.00312(8), 494.00313(4) FS. Law Implemented 494.0011(2), 494.00312, 494.00313 FS. History—New 10-1-10, Amended 11-9-15, 11-24-16, 9-25-18 Amended.

69V-40.0321 Application Procedure for a Mortgage Broker license.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) NMLS Company Form (Form MU1) filed through the Registry;

(b) The statutory nonrefundable application fee of \$425 filed through the Registry;

(c) The statutory nonrefundable mortgage guaranty fund assessment fee of \$100, if required by section 494.00172, F.S., filed through the Registry;

(d) Designate a qualified principal loan originator who meets the requirements of section 494.0035, F.S.;

(e) For each of the applicant's control persons, submit fingerprints to a live scan vendor approved by the Florida Department of Law Enforcement and published on the Florida Department of Law Enforcement's website (<http://www.fdle.state.fl.us/Content/Criminal-History/documents/ApplicantLivescanService-ProvidersVendors.aspx>) for submission to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a state criminal background check and a Federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor;

(f) For each of the applicant's control persons, authorize the Registry to obtain and make available to the Office an independent credit report.

(2) For the purposes of this rule, the requirements in paragraphs (1)(e) and (f), above, are not required if the control person is currently licensed as a loan originator.

(3) Request for Additional Information. Within 30 days of receipt, the Office shall review each mortgage broker application and inform the applicant of any request for additional information required to complete its review. The additional information must be received by the Office within 45 days from the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure by the applicant to respond within 45 days from the date of the request shall be construed by the Office of Financial Regulation as grounds for denial for failure to provide the requested information.

(4) Amendments to Pending Applications. If the information contained in the NMLS Company Form (Form MU1) or any amendment thereto becomes inaccurate for any reason, the applicant shall file an amendment through the Registry correcting such information within 15 days of the change. An amendment changing answers to question 14 on the NMLS Company Form (Form MU1) or question 8 on the NMLS Individual Form, NMLS Individual Form (Form MU2), shall be considered a material change to the application and grounds for denial of the application.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office by filing such request through the Registry.

(6) Upon approval of an application, a mortgage broker license will be issued with an expiration date of December 31 for the year in which the license was issued.

(7) NMLS Company Form (Form MU1), and NMLS Individual Form (Form MU2), are incorporated by reference in rule 69V-40.002, F.A.C.

Rulemaking Authority 494.0011(2), 494.00321(1) FS. Law Implemented 494.0011(2), 494.00321 FS. History—New 10-1-10, Amended 11-9-15, Amended _____.

69V-40.036 Application Procedure for a Mortgage Broker Branch Office License.

(1) Each mortgage broker desiring to obtain a mortgage broker branch office license shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed NMLS Branch Form (Form MU3) is incorporated by reference in rule 69V-40.002, F.A.C., filed through the registry; and,

(b) The statutory nonrefundable application fee of \$225 filed through the registry.

(2) Request for additional information. The Office shall review each mortgage broker branch office application and inform the licensee of any request for additional information required to complete its review. The additional information must be received by the Office within 45 days from the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure by the licensee to respond within 45 days from the date of the request shall be construed by the Office as grounds for denial of the renewal request.

Rulemaking Authority 494.0011(2), 494.0036(2) FS. Law Implemented 494.0011(2), 494.0036 FS. History—New 10-1-10, Amended 11-9-15, Amended _____.

69V-40.0611 Application Procedure for a Mortgage Lender License.

(1) Each person desiring to obtain licensure as a mortgage lender shall apply to the Office by submitting the following:

(a) A completed NMLS Company Form (Form MU1) filed through the Registry;

(b) The statutory nonrefundable application fee of \$500 filed through the Registry;

(c) The statutory nonrefundable mortgage guaranty fund assessment fee of \$100, if required by section 494.00172, F.S., filed through the Registry;

(d) Designate a qualified principal loan originator who meets the requirements of section 494.0035, F.S.;

(e) For each of the applicant’s control persons, submit fingerprints to a live scan vendor approved by the Florida Department of Law Enforcement and published on the Florida Department of Law Enforcement’s website (<http://www.fdle.state.fl.us/Content/Criminal-History/documents/ApplicantLivescanService-ProvidersVendors.aspx>) for submission to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a state criminal background check and a Federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor;

(f) For each of the applicant’s control persons, authorize the Registry to obtain and make available to the Office an independent credit report;

(g) Submit a copy of the applicant’s financial audit report in compliance with section 494.00611(2)(f), F.S.

(2) Request for Additional Information. Within 30 days of receipt, the Office shall review each mortgage lender application and inform the applicant of any request for additional information required to complete its review. The additional information must be received by the Office within 45 days from the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure by the applicant to respond within 45 days from the date of the request shall be construed by the Office of Financial Regulation as grounds for denial for failure to provide the requested information.

(3) Amendments to Pending Applications. If the information contained in NMLS Company Form (Form MU1) or any amendment thereto becomes inaccurate for any reason the applicant shall file an amendment through the Registry

correcting such information within 15 days of the change. An amendment changing answers to question 14 on the NMLS Company Form (Form MU1) or question 8 on the NMLS Individual Form (Form MU2), shall be considered a material change to the application and grounds for denial of the application.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office by filing such request through the Registry.

(5) Upon approval of an application, a mortgage lender license will be issued with an expiration date of December 31 for the year in which the license was issued.

(6) NMLS Company Form (Form MU1) and NMLS Individual Form (Form MU2) are incorporated by reference in rule 69V-40.002, F.A.C.

Rulemaking Authority 494.0011, 494.00611(2) FS. Law Implemented 494.0011(2), 494.00611 FS. History–New 10-1-10, Amended 11-9-15, Amended.

69V-40.066 Application Procedure for a Mortgage Lender Branch Office License.

(1) Each mortgage lender desiring to obtain a mortgage lender branch office license shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed NMLS Branch Form (Form MU3) is incorporated by reference in rule 69V-40.002, F.A.C. filed through the Registry; and,

(b) The statutory nonrefundable application fee of \$225 filed through the Registry.

(2) Request for additional information. The Office shall review each mortgage lender branch office application and inform the licensee of any request for additional information required to complete its review. The additional information must be received by the Office within 45 days from the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure by the licensee to respond within 45 days from the date of the request shall be construed by the Office as grounds for denial of the renewal request.

Rulemaking Authority 494.0011(2), 494.0066 FS. Law Implemented 494.0011(2), 494.0066 FS. History–New 10-1-10, Amended 11-9-15, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2020

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:

69V-45.005 Application Procedure for Title Loan Lender
PURPOSE AND EFFECT: The purpose and effect of the amended rule is to provide an additional 45 days for submission of additional application information and to provide for the disposition of incomplete applications.

SUMMARY: The amended rule will provide an additional 45 days for submission of additional application information and provide for the disposition of incomplete applications.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 537.005, 537.016, FS.

LAW IMPLEMENTED: 537.004, 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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-45.005 Application Procedure for Title Loan Lender.

(1) Each person desiring to apply for licensure as a title loan lender shall submit the following to the Office of Financial Regulation:

(a) A completed Application for Title Loan Lender, Form OFR-TTL-101, effective 10/00, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable investigation fee required by section 537.004, F.S.;

(c) The statutory, nonrefundable application fee required by section 537.004, F.S.; and,

(d) The original bond, letter of credit, or certificate of deposit as required by section 537.005, F.S.

(2) Each ultimate equitable owner of 10% or greater interest and each director, general partner, and executive officer of an entity applying for licensure as a title loan lender, shall submit a completed fingerprint card and a Biographical Summary for Title Loan Lender, Form OFR-TLL-BIO-1, effective 10/00, to the Office of Financial Regulation. Form OFR-TLL-BIO-1 is hereby incorporated by reference and is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure to respond to the request within forty five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to section 120.60(1), F.S.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.

(5) Refunds. If the application is withdrawn or denied, the investigation fee and the application fee are nonrefundable.

(6) If one's civil rights have been restored and the conviction did not directly relate to the title loan industry, the applicant shall provide evidence of restoration of civil rights. If one's civil rights have been restored and the conviction is directly related to the title loan industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation.

Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Rulemaking Authority 537.005, 537.016 FS. Law Implemented 537.004, 537.005 FS. History--New 10-1-00, Formerly 3D-45.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gregory Oaks
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2020

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: 69V-50.080
 RULE TITLE: Calculation of Finance Charge for Contracts Providing for Unequal or Irregular Installment Payments

PURPOSE AND EFFECT: The purpose and effect is to repeal an outdated rule.

SUMMARY: The rule was the subject of an agency executive order and was later determined to be outdated and unnecessary.
 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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 520.994(5), FS.

LAW IMPLEMENTED: 520.08, 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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-50.080 Calculation of Finance Charge for Contracts Providing for Unequal or Irregular Installment Payments.
 Rulemaking Authority 520.994(5) FS. Law Implemented 520.08 FS. History--New 2-10-98, Formerly 3D-50.080, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gregory Oaks
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.: 69V-85.002, 69V-85.003
 RULE TITLES: Application Forms, Fees, Procedures and Requirements. Branch Application Forms, Fees, Procedures and Requirements.

PURPOSE AND EFFECT: The purpose and effect of the amended rules is to provide an additional 45 days for submission of additional application information and to provide for the disposition of incomplete applications.

SUMMARY: The amended rules will provide an additional 45 days for submission of additional application information and provide for the disposition of incomplete applications.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5), FS.

LAW IMPLEMENTED: 520.03(2), 520.32(2), 520.52(2), 520.63(2), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-85.002 Application Forms, Fees, Procedures and Requirements.

(1) Each person desiring to obtain licensure under chapter 520, F.S., shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for License under chapter 520, F.S., Form OFR-520-01, revised 12-20-07, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376; and,

(b) The statutory, non-refundable application fee required by sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable, which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure, shall submit a completed Biographical Summary from Form OFR-520-01, to the Office of Financial Regulation. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days after the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the

~~Office and closed. Failure to respond to the request within forty five (45) calendar days after the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to section 120.60(1), F.S., unless the Office has received a written request prior to the original 45 day deadline from the applicant to extend the original 45 day period. However, no request for extension shall be granted for a period exceeding an additional forty five (45) days.~~

(4) Amendments to Pending Applications. If the information contained in any application form for a licensure under chapter 520, F.S., or any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, shall be required. Material changes include the substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Rulemaking Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History—New 12-20-07, Amended _____.

69V-85.003 Branch Application Forms, Fees, Procedures and Requirements.

(1) Every licensee under chapter 520, F.S., that conducts business in a branch office shall apply for a license to operate a branch office using Form OFR-520-02, Application for Branch

Office License, revised 12/20/2007, which is hereby incorporated by reference and available on the Office’s website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. Any office or location shall be deemed to be a branch office if the name or advertising of a licensee is displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller licensed under section 520.03, F.S., has more than one location in the same county, only one license is required for that county.

(2) The statutory, non-refundable application fee for an initial branch office license required by sections 520.03, 520.32, 520.52 and 520.63, F.S., as applicable, shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days after the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure to respond to the request within forty-five (45) calendar days after the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to section 120.60(1), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of chapter 520, F.S., and the rules of this chapter.

(4) Amendments to Pending Applications. If the information contained in any application form for branch office license, or any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-520-02. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the

appropriate filing fee, shall be required. Material changes include the substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer. Form OFR-520-02 is incorporated by reference in subsection 69V-85.003(1), F.A.C.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Rulemaking Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History—New 12-20-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2020

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: 69V-160.030
RULE TITLE: Application Procedure for Consumer Finance License

PURPOSE AND EFFECT: The purpose and effect of the amended rule is to provide an additional 45 days for submission of additional application information and to provide for the disposition of incomplete applications.

SUMMARY: The amended rule will provide an additional 45 days for submission of additional application information and provide for the disposition of incomplete applications.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 516.22(1), 516.23(3), FS.

LAW IMPLEMENTED: 516.03(1), 516.05(1), 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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-160.030 Application Procedure for Consumer Finance License.

(1) Each person desiring to apply for licensure as a consumer finance company shall submit the following to the Office of Financial Regulation:

(a) A completed Application for Consumer Finance License, Form OFR-516-01, revised 12/20/2007, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376;

(b) The statutory, non-refundable investigation fee required by section 516.03, F.S.;

(c) The statutory, non-refundable biennial license fee required by section 516.03, F.S.; and,

(d) Evidence that the applicant has liquid assets of at least \$25,000.00 for the operation of the consumer finance company. For the purposes of this rule "Evidence" means documentation from an insured financial institution that the liquid assets are on deposit with the institution.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a consumer finance company, shall submit a completed Biographical Summary from Form OFR-516-01 to the Office of Financial Regulation.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The

additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure to respond to the request within forty five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to section 120.60(1), F.S., unless the Office has received a written request prior to the original 45 day deadline from the applicant to extend the original 45 day period. However, no request for extension shall be granted for a period exceeding an additional forty five (45) days.

(4) Amendments to Pending Applications. If the information contained in any application form for licensure as a consumer finance company, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-516-01, Application for Consumer Finance License. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days after receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fees, shall be required. Material changes include:

(a) The substitution or addition of an ultimate equitable owner of 10% or greater interest, a chief executive officer, a chief financial officer, a chief operations officer, a chief legal officer, a chief compliance officer, a control person, a member, a partner, or a joint venturer; and,

(b) Amendments affecting the \$25,000.00 liquid asset requirement.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.
 Rulemaking Authority 516.22(1), 516.23(3), 516.031 FS. Law Implemented 516.03(1), 516.05(1), 516.07 FS. History—New 12-18-88, Amended 5-9-90, 10-1-95, 1-5-00, Formerly 3D-160.030, Amended 12-20-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gregory Oaks
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2020

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:	RULE TITLES:
69V-180.020	Commercial Collection Registration Form and Procedures
69V-180.030	Consumer Collection Registration Form and Procedures

PURPOSE AND EFFECT: The purpose and effect of the amended rules is to provide an additional 45 days for submission of additional application information and to provide for the disposition of incomplete applications

SUMMARY: The amended rules will provide an additional 45 days for submission of additional application information and provide for the disposition of incomplete applications

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 559.545, 559.554, 559.555, FS.

LAW IMPLEMENTED: 559.542, 559.544, 559.545, 559.555, 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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-180.020 Commercial Collection Registration Form and Procedures.

(1) Each person registering as a commercial collection agency shall submit the following to the Office of Financial Regulation:

(a) A completed Registration of Commercial Collection Agency form, Form OFR-COM-101, effective 9/9/2015, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376, and also incorporated by reference in rule 69V-180.002, F.A.C., and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05778>.

(b) If a partnership, sole proprietorship or corporation, a completed Exhibit A, as incorporated in subparagraph 69V-180.002(1)(a)2., F.A.C.

(c) A non-refundable registration fee of \$500 for the annual registration period beginning January 1 of each calendar year or any part thereof.

(d) Evidence of a current surety bond in the amount of \$50,000 as required in subsection 69V-180.010(1), F.A.C.

(2) Request for Additional Information. An incomplete registration form shall not be considered as validly received. A request for additional information will be made by the Office of Financial Regulation within thirty (30) days after initial receipt of the incomplete registration form by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for rejection of the registration for failure to complete the registration and the registration shall be rejected pursuant to section 120.60(1), F.S.

(3) Amendment of Pending Registration.

(a) A prospective registrant shall notify the Office of Financial Regulation within ten (10) days of the occurrence of any change in the information reported on the registration.

(b) A prospective registrant may amend the registration form as to those factors generally within the control or selection of the prospective registrant once, as a matter of course, at any time within thirty (30) days from its initial receipt for filing. Otherwise the registration form may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the registration or to the Office of Financial Regulation's evaluation of the registration filed at any time after initial receipt of the registration form shall be deemed by the Office of Financial Regulation to be grounds for rejection of the registration, and a new registration form, accompanied by the appropriate filing fee and evidence of a current surety bond in the amount of \$50,000 shall be required.

(4) Withdrawal of Registration. A prospective registrant may request withdrawal of a registration prior to an initial determination of the registration being made by the Office of Financial Regulation by submitting a written request that the registration be withdrawn.

(5) Refunds. If the registration is withdrawn, voided, or rejected, the registration fee is non-refundable.

(6) Upon approval, a registration will be issued for the remainder of the annual registration period.

Rulemaking Authority 559.545 FS. Law Implemented 559.542, 559.544, 559.545 FS. History—New 2-15-94, Formerly 3D-180.020, Amended 9-10-15, Amended _____.

69V-180.030 Consumer Collection Registration Form and Procedures.

(1) Each person registering as a consumer collection agency shall submit the following to the Office of Financial Regulation:

(a) A completed Application for Registration as Consumer Collection Agency form, Form OFR-559-101, effective 9/9/2015, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376, and also incorporated by reference in rule 69V-180.002, F.A.C., and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05814>;

(b) A non-refundable registration fee of \$200 for the annual registration period beginning January 1 of each calendar year or any part thereof.

(c) Each control person required to be listed on the Application for Registration as Consumer Collection Agency, Form OFR-559-101, must submit fingerprints through a live-scan vendor approved by the Florida Department of Law Enforcement. A list of approved vendors is published on the

Florida Department of Law Enforcement's website (<http://www.fdle.state.fl.us/Content/getdoc/941d4e90-131a-45ef-8af3-3c9d4efefd8e/Livescan-Service-Providers-and-Device-Vendors.aspx>). Such fingerprints will be submitted to the Florida Department of Law Enforcement for a state criminal background check and the Federal Bureau of Investigation for a Federal criminal background check. The cost of the fingerprinting processing shall be borne by the applicant and paid directly to the live-scan vendor.

(2) Request for Additional Information. An incomplete registration form shall not be considered as validly received. A request for additional information will be made by the Office of Financial Regulation within thirty (30) days after initial receipt of the incomplete registration form by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of request. The Office will grant a request for an additional forty-five (45) days to submit the additional information. The Office will not grant a request after the original forty-five (45) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for rejection of the registration for failure to complete the registration and the registration shall be rejected pursuant to section 120.60(2), F.S.

(3) Amendment of Pending Registration.

(a) A prospective registrant shall notify the Office of Financial Regulation within ten (10) days of the occurrence of any change in the information reported on the registration.

(b) A prospective registrant may amend the registration form as to those factors generally within the control or selection of the prospective registrant once, as a matter of course, at any time within thirty (30) days from its initial receipt for filing. Otherwise the registration form may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the registration or to the Office of Financial Regulation's evaluation of the registration filed at any time after initial receipt of the registration form shall be deemed by the Office of Financial Regulation to be grounds for rejection of the registration, and a new registration form, accompanied by the appropriate filing fee, shall be required.

(4) Withdrawal of Registration. A prospective registrant may request withdrawal of a registration prior to an initial determination of the registration being made by the Office of Financial Regulation by submitting a written request that the registration be withdrawn.

(5) Refunds. If the registration is withdrawn, voided, or rejected, the registration fee is non-refundable.

(6) Upon approval, a registration will be issued for the remainder of the annual registration period.

Rulemaking Authority 559.554, 559.555, 559.5551 FS. Law Implemented 559.5551, 559.553, 559.555 FS. History—New 2-15-94, Formerly 3D-180.030, Amended 9-10-15, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2020

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:	RULE TITLES:
69V-559.1000	Disciplinary Guidelines
69V-559.1012	Adoption of Forms
69V-559.1013	Electronic Filing of Forms and Fees
69V-559.102	Application or Appointment Procedures and Requirement
69V-559.1021	Application Evaluation
69V-559.103	Application for Branch Offices and Appointment of Authorized Vendors
69V-559.104	Changes to License Information
69V-559.105	Application for Extension
69V-559.200	Operation of the Financial Technology Sandbox
69V-559.201	Bi-Annual Reports
69V-559.300	Net Worth and Bond
69V-559.800	Conclusion of Sandbox Period and Business Operations

PURPOSE AND EFFECT: The purpose and effect of the new rules is to implement the provisions of section 559.952(10), F.S., allow for the adoption of certain forms to implement the provisions of section 559.952, F.S., allow applicants and licensees to file all required forms electronically and to pay all required fees electronically, set forth the application procedure and requirements for filed applications, set forth the evaluation process for completed application, specify information that certain licensees must provide in connection with the commencement of operations at branch offices or through authorized vendors, implement section 559.952(5)(g), F.S., implement the provisions of sections 559.952(7)(a) and (b), F.S., implement the provisions of section 559.952(6)(c), F.S., implement the provisions of section 559.952(8), F.S., detail net worth and surety bond requirements, and implement the provisions of section 559.952(7)(c), F.S.

SUMMARY: The new rules will implement the provisions of section 559.952(10), F.S., allow for the adoption of certain forms to implement the provisions of section 559.952, F.S., allow applicants and licensees to file all required forms electronically and to pay all required fees electronically, set forth the application procedure and requirements for filed applications, set forth the evaluation process for completed application, specify information that certain licensees must provide in connection with the commencement of operations at branch offices or through authorized vendors, implement section 559.952(5)(g), F.S., implement the provisions of sections 559.952(7)(a) and (b), F.S., implement the provisions of section 559.952(6)(c), F.S., implement the provisions of section 559.952(8), F.S., detail net worth and surety bond requirements, and implement the provisions of section 559.952(7)(c), 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:

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: 559.952(5), 559.952(6)(c), 559.952(8), 559.952(11)(a)

LAW IMPLEMENTED: 559.952(4), 559.952(4)(a), 559.952(5), 559.952(5)(h), 559.952(6)(b), 559.952(6)(c), 559.952(7)(a), 559.952(7)(b), 559.952(7)(c), 559.952(8), 559.952(9), 559.952(10), 559.952(11)(a), 943.053

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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-559.1000 Disciplinary Guidelines.

(1) Pursuant to section 559.952(10), F.S., disciplinary guidelines applicable to each ground for disciplinary action that

may be imposed by the Office against a person for a violation of section 559.952, F.S., are hereby adopted. The disciplinary guidelines are contained in Office of Financial Regulation, Division of Consumer Finance, Form OFR-559-FTS-007, Disciplinary Guidelines for Financial Technology Sandbox, which is hereby incorporated by reference, effective XX/XX/XXXX. A copy of the disciplinary guidelines is available on the Office's website at www.flofr.com and <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(2) The Office shall consider the following circumstances in determining an appropriate penalty within the range of penalties prescribed in the disciplinary guidelines for each violation. The Office shall also consider the circumstances when determining whether a deviation from the range of penalties in the disciplinary guidelines is warranted:

(a) The following circumstances are considered mitigating factors which will be used to reduce the penalty:

1. The violation rate is less than 5% when compared to the overall sample size reviewed;

2. The disciplinary history of the licensee;

3. The licensee detected and voluntarily instituted corrective action or measures to avoid the recurrence of the violation prior to the detection and intervention by the Office;

4. The violation is attributable to a single person or employee, and the licensee or person removed or otherwise disciplined the individual prior to detection or intervention by the Office;

5. The person is responsive to the Office's requests or inquiries or made no attempt to impede or delay the Office in its examination or investigation of the underlying misconduct;
or

6. Other relevant, case-specific circumstances.

(b) The following circumstances are considered aggravating factors which will be used to increase the penalty:

1. The violation rate is more than 95% when compared to the overall sample size reviewed (sample size must be equal to or greater than 50 transactions and cover a date range of at least 6 months);

2. There is a potential for harm to customers or the public;

3. The disciplinary history of the licensee within the past 3 years which contain the same violations;

4. The violation was the result of willful misconduct or recklessness;

5. The licensee or control person attempted to conceal the violation or mislead the Office; or

6. Other relevant, case-specific circumstances.

(3) The list of violations cited in the disciplinary guidelines is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by section 559.952, F.S.

(4) The ranges for suspension imposed by the disciplinary guidelines are 3 to 15 days for an "A" level suspension; 16 to 30 days for a "B" level suspension; and, 31 to 90 days for a "C" level suspension. A "C" level suspension may be terminated early if the licensee demonstrates to the Office that it has cured the violation.

(5) When the Office finds that a licensee has violated Chapter 516 or 560, F.S., and corresponding rules not excepted pursuant to section 559.952(4)(a), F.S., it may impose penalties as prescribed in Rules 69V-160.111 or 69V-560.1000, F.A.C., respectively.

Rulemaking Authority 559.952(11)(a) FS. Law Implemented 559.952(9), 559.952(10), 559.952(11)(a) FS. History—New _____.

69V-559.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and adopted by this rule for the purposes of Rules 69V-559.1000-800, F.A.C.:

(a) Application for Licensure as a Financial Technology Sandbox Innovator, Form OFR-559-FTS-001, effective XX-XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(b) Financial Technology Sandbox Innovator Location Notification Form, Form OFR-559-FTS-002, effective XX-XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(c) Financial Technology Sandbox Innovator Extension Request Form, Form OFR-559-FTS-003, effective XX-XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(d) Financial Technology Sandbox Innovator Bi-Annual Report Form, Form OFR-559-FTS-004, effective XX-XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(e) Financial Technology Sandbox Innovator Pledge Agreement, Form OFR-559-FTS-005, effective XX-XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(f) Financial Technology Sandbox Innovator Surety Bond, Form OFR-559-FTS-006, effective XX-XX-XXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(2) All forms adopted by this rule are available on the Office's website at www.flofr.com and by mail from the Office

of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 559.952(5), 559.952(8), 559.952(11)(a) FS. Law Implemented 559.952(4)(a), 559.952(5), 559.952(7)(a), 559.952(7)(b), 559.952(8), 559.952(9), 559.952(11)(a) FS. History–New _____.

69V-559.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office’s website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-559.1012(1)(a) through (1)(d), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Rule Chapter 69V-559, F.A.C., must be paid electronically through the REAL System.

Rulemaking Authority 559.952(5), 559.952(8), 559.952(11)(a) FS. Law Implemented 559.952(4)(a), 559.952(5), 559.952(7)(a), 559.952(7)(b), 559.952(8), 559.952(9), 559.952(11)(a) FS. History–New _____.

69V-559.102 Application or Appointment Procedures and Requirements.

(1) To apply for licensure as a Financial Technology Sandbox Innovator, an applicant must submit:

(a) An Application for Licensure as a Financial Technology Sandbox Innovator, Form OFR-559-FTS-001;

(b) The initial application fee (\$375) required by section 560.143(1)(a), F.S., if the applicant indicates on the application that it intends to offer a product or service under Chapter 560, F.S.; or,

(c) The initial application fee (\$625) and investigation fee (\$200) required by section 516.03(1), F.S., if the applicant indicates on the application that it intends to offer a product or service under Chapter 516, F.S.; or,

(d) The initial application fee required by paragraphs (b) and (c) above, if the applicant indicates on the application that it intends to offer a product or service under both Chapters 560 and 516, F.S.;

(e) If the applicant indicates on the application that it intends to offer a product or service under Chapter 560, F.S., each person listed in question 5D of the Application for Licensure as a Financial Technology Sandbox Innovator, Form OFR-559-FTS-001, must submit fingerprints through a live-scan vendor approved by the Florida Department of Law Enforcement. A list of approved vendors is published on the Florida Department of Law Enforcement’s website at http://www.fdle.state.fl.us/Criminal-History-Records/Documents/InternetDoc_ServiceProviders.aspx. Such fingerprints will be submitted to the Florida Department of Law

Enforcement for a state criminal background check and the Federal Bureau of Investigation for a federal criminal background check. The cost of the fingerprinting process shall be borne by the applicant and paid directly to the live-scan vendor. Fingerprinting is not required if the applicant is publicly traded as prescribed in section 560.141(1)(c)6., F.S.

(f) Request for Additional Information. The Office shall review all application information submitted by the applicant for completeness and to determine whether sufficient information exists to evaluate the factors in section 559.952(5)(c), F.S. If the Office identifies additional information is needed, the Office will contact the applicant via email within thirty (30) days after receipt of the application with the requested information. The additional information must be received by the Office within forty-five (45) days from the date of the request.

1. The Office will grant a request for an additional forty-five (45) days to submit the additional information provided the request is received before the expiration of the initial forty-five (45) day period.

2. Failure to timely provide all additional information shall result in the application being deemed abandoned, which will result in the application being removed from further consideration by the Office and closed.

(g) Withdrawal of Application. An application may be withdrawn if the applicant submits a request through the REAL system (<https://real.flofr.com/>) before the application is approved or denied.

(h) Amendments to Pending Applications. If the information contained in any application form for licensure as a Financial Technology Sandbox Innovator, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall promptly file an amendment correcting such information on Form OFR-559-FTS-001.

(2) Form OFR-559-FTS-001 is incorporated by reference in Rule 69V-559.1012, F.A.C.

Rulemaking Authority 559.952(5), 559.952(11)(a) FS. Law Implemented 559.952(4)(a), 559.952(5), 559.952(9), 559.952(11)(a), 943.053 FS. History–New _____.

69V-559.1021 - Application Evaluation.

(1) Upon review of all application information, if the Office determines that the application is complete, the applicant will be notified by email of the application completion date and the date the Office must approve or deny the license application.

(2) Following a determination that the application is complete, the Office shall review all application information and evaluate the information by using the following factors:

(a) The nature of the innovative financial product or service proposed to be made available to consumers in the Financial

Technology Sandbox, including all relevant technical details. At a minimum, this includes the following:

1. A full technical description of the innovative financial product or service;
2. How the product or service will be delivered to customers;
3. How customers will interact with the applicant;
4. How the product or service will benefit customers;
5. How the product or service is different from other products or services available in this state;
6. All technical specifications necessary to determine that the applicant has adequately developed the product or service and can handle the anticipated volume of customer transactions; and
7. A copy of the test plan and results demonstrating that the applicant has satisfactorily tested the information technology platform and approved it for production.

(b) The potential risk to consumers and the methods that will be used to protect consumers and resolve complaints during the sandbox period. At a minimum, this includes the following:

1. What risks will confront consumers that use or purchase the product or service;
2. A copy of the applicant's cybersecurity policy designed to detect, contain, and eliminate cyber security attacks;
3. A copy of any other policies designed to protect the customer's personal identifying information from a breach or attack;
4. How the applicant will wind down operations and protect customers and their funds in the event the applicant is not successful with its innovative financial product or service; and
5. A copy of the applicant's complaint procedures including how the customer contacts the applicant to file a complaint, procedures for handling complaints, complaint escalation hierarchy, and the name and contact information of the individual(s) who will serve as the liaison for resolving complaints filed with the Office.

(c) The business plan proposed by the applicant, including company information, market analysis, and financial projections or pro forma financial statements, and evidence of the financial viability of the applicant. At a minimum, this information includes:

1. A complete organizational chart of the applicant.
2. A market analysis which must include, but not be limited to, the following information:
 - a. Customer description depicting the consumers in the applicant's intended market and their income, buying habits, geographic location or age;
 - b. Customer perception indicating how the targeted demographic perceives the business and the product or service

including how likely the intended customers are to buy the product or service:

- c. Market trends which combines the information from the customer description, perception and market trends and forecasts the future of the target market, as well as the applicant's place in the future of the market; and
- d. Identification of the applicant's competition and how consumers will view the applicant's product in relation to its competitor's products or services and the likelihood that the applicant will be successful in the same marketplace as competitors.

3. Financial projections or pro forma financial statements including estimated revenues, total liabilities and costs, and estimated cash flow.

4. Evidence of financial viability of the applicant shall include at a minimum the amount and quality of liquid assets compared to the total of all assets and identification of access to additional capital to support growth of the applicant.

(d) Whether the applicant has the necessary personnel, adequate financial and technical expertise, and a sufficient plan to test, monitor, and assess the innovative financial product or service. At a minimum, this information includes:

1. A resume detailing the education and work experience of each person listed on the applicant's organization chart required in paragraph (c)1. above; and
2. A copy of the applicant's proposed plan for how it will test the innovative product or service during the sandbox period and any sandbox period extension to ensure compliance with section 559.952, F.S. and related rules, and to ensure compliance with Chapters 516 and 560, F.S., and related rules applicable to the innovative product or service. The plan should include how the applicant will monitor the product's or service's transactions and performance in order to assess whether there is an increased risk to consumers or viability of the applicant to continue offering its product or services to consumers. The plan must include a requirement to document the testing, monitoring, and assessment of the product or service and the applicant's personnel responsible for these tasks; and the plan must include organizational reporting and escalation procedures.

(e) Whether any control person of the applicant, regardless of adjudication, has pled no contest to, or has been convicted or found guilty of, or is currently under investigation for fraud, a state or federal securities violation, a property-based offense, or a crime involving moral turpitude or dishonest dealing. If an applicant answers affirmatively to disclosure questions in the application or if a criminal background check discloses an offense identified in this paragraph, the applicant must provide upon request, documents from a custodian of the records indicating the details necessary for the Office to identify the outcome of each offense. Documents shall include, but not be

limited to, copies of certified court documents and final orders including settlement agreements from the issuing agency.

(f) A copy of the disclosures required under section 559.952(6)(b), F.S.

(g) The financial responsibility of the applicant and any control person, including whether the applicant or any control person has a history of unpaid liens, unpaid judgments, or other general history of nonpayment of legal debts, including, but not limited to, having been the subject of a petition for bankruptcy under the United States Bankruptcy Code within the past 7 calendar years. Applicants who answer in the affirmative to disclosure questions in the application disclosing an offense identified in this paragraph, must provide, upon request, documents from a custodian of records indicating the details necessary for the Office to identify the outcome of each offense. Documents shall include, but not be limited to, copies of certified court documents demonstrating a lien or judgment has been satisfied, account statements or credit reports indicating the satisfactory payment of legal debts, and copies of documents from a bankruptcy court.

(3) Upon evaluation by the Office of all information and supporting documentation provided in the application, the Office will contact the applicant and schedule a consultation to discuss the Office's review and anticipated decision. In addition, during the consultation, the Office will advise the applicant of the number of consumers authorized to receive the innovative financial product or service if the application is approved. The consultation will be scheduled within 60-days of the date the application is deemed completed unless the applicant provides written authorization for an extension of time for the Office to make a decision on the application. Rulemaking Authority 559.952(5), 559.952(11)(a) FS. Law Implemented 559.952(5), 559.952(6)(b), 559.952(11)(a) FS. History—New _____.

69V-559.103 Application for Branch Offices and Appointment of Authorized Vendors.

(1) A licensee that indicates in Question 1 of its initial application that it intends to offer a product or service under Part II of Chapter 560, F.S., and that commences operations at branch offices or through authorized vendors in this state, shall submit the following for each branch office or authorized vendor:

(a) Financial Technology Sandbox Innovator Location Notification Form, Form OFR-559-FTS-002; and,

(b) A \$38 nonrefundable fee as required in sections 560.143(c) or (d), F.S.

(2) Form OFR-559-FTS-002 is incorporated by reference in Rule 69V-559.1012, F.A.C.

Rulemaking Authority 559.952(11)(a) FS. Law Implemented 559.952(4), 559.952(9), 559.952(11)(a) FS. History—New _____.

69V-559.104 Changes to License Information.

In accordance with the section 559.952(5)(g), F.S., and as applicable to the business entity's activities:

(1) Each person licensed under section 559.952, F.S., that proposes to change the information contained in any initial application form, including any document submitted as a part of Rule 69V-559.102, F.A.C., or any amendment thereto, must file an amendment pursuant to section 559.952(5)(g), F.S., no later than thirty (30) days after the effective date of the change by submitting an Application for Licensure as Financial Technology Sandbox Innovator, Form OFR-559-FTS-001, which is incorporated by reference in Rule 69V-559.1012, F.A.C., through the Office's REAL System in accordance with Rule 69V-559.1013, F.A.C.

(2) If the amendment filed in paragraph (1) includes the addition of a natural person not currently listed on the application, the natural person must comply with the fingerprinting requirements in accordance with Rule 69V-559.102, F.A.C., within fifteen (15) days after filing the amendment.

(3) Form OFR-559-FTS-001 is incorporated by reference in Rule 69V-559.1012, F.A.C.

Rulemaking Authority 559.952(5), 559.952(11)(a) FS. Law Implemented 559.952(5), 559.952(11)(a), 943.053 FS. History—New _____.

69V-559.105 Application for Extension.

(1) In accordance with sections 559.952(7)(a) and (b), F.S., a licensee who wishes to apply for one extension for 12 additional months may apply by submitting the following:

(a) Financial Technology Sandbox Innovator Extension Request, Form OFR-559-FTS-003, no sooner than 180 days, but no later than ninety (90) days, prior to the conclusion of its initial sandbox period;

(b) One half (\$375) of the renewal fee as required by section 560.143(2)(a), F.S., if the applicant indicated in Question 1 of its initial application that it intended to offer a product or service under Chapter 560, F.S.; or,

(c) One half (\$312) of the renewal fee as required by section 516.03(1), F.S., if the applicant indicated in Question 1 of its initial application that it intended to offer a product or service under Chapter 516, F.S.; or,

(d) One half (\$687) of both renewal fees as required by paragraphs (b) and (c) above, if the applicant indicated in Question 1 of its initial application that it intended to offer a product or service under both Chapters 560 and 516, F.S.;

(e) The current status of the factors previously considered in the initial application as required in Rule 69V-559.1021(a)-(g), F.A.C.

(2) An application for an extension of the initial 24-month sandbox period shall not be considered received for purposes of

meeting the deadline in subparagraph (1)(a) above until all submissions as required in subparagraphs (1)(a)-(e) are received by the Office. Failure to provide all submission requirements by the deadline shall result in the incomplete application for extension of the initial sandbox period being deemed abandoned and the initial sandbox license expiring without consideration for an extension.

(3) Upon receipt of a completed application for an extension of the initial sandbox period filed by the 90-day deadline, the Office shall notify the licensee by email of the completion date along with the date the Office must make its decision whether to approve or deny the application for an extension (35 days before the conclusion of the initial sandbox period).

(4) Form OFR-559-FTS-003 is incorporated by reference in Rule 69V-559.1012, F.A.C. Rulemaking Authority 559.952(11)(a) FS. Law Implemented 559.952(4), 559.952(7)(a), 559.952(7)(b), 559.952(9), 559.952(11)(a) FS. History–New _____.

69V-559.200 Operation of the Financial Technology Sandbox.

In accordance with section 559.952(6)(c), F.S., the Office may enter into an agreement with a state, federal, or foreign regulatory agency to allow licensees under the Financial Technology Sandbox to make their products or services available in other jurisdictions. The agreement shall be in the form of a mutually agreed Memorandum of Understanding which includes at a minimum:

(1) The terms by which a licensee may offer its products or services in such jurisdiction so long as it holds an active sandbox license in this state;

(2) Any restrictions imposed on the licensee by the state, federal, or foreign regulatory agency;

(3) The effective date and expiration date of the agreement;

(4) Identification of the licensee’s information maintained by the Office that may be shared with the state, federal, or foreign regulatory authority;

(5) A statement that the state, federal, or foreign regulatory authority has sufficient public records exemptions to protect the licensee’s information consistent with section 559.952(5)(h)1., F.S.; and

(6) The name, address, telephone number, and email address of contact person for both parties for questions related to the agreement.

Rulemaking Authority 559.952(6)(c), 559.952(11)(a) FS. Law Implemented 559.952(5)(h), 559.952(6)(c), 559.952(11)(a) FS. History–New _____.

69V-559.201 Bi-Annual Reports.

(1) In accordance with section 559.952(8), F.S., after the first 180 days of licensure and every 180 days thereafter, so long

as the license is active, each licensee shall submit a complete and accurate Bi-Annual Report to the Office by filing a Form OFR-559-FTS-004, Bi-Annual Report Form, electronically through the Office’s REAL System at www.flofr.com. A completed Bi-Annual Report form must be received by the Office no later than forty-five (45) days after the conclusion of each 180-day period.

(2) Form OFR-559-FTS-004 is incorporated by reference in Rule 69V-559.1012, F.A.C. Rulemaking Authority 559.952(8), 559.952(11)(a) FS. Law Implemented 559.952(8), 559.952(11)(a) FS. History–New _____.

69V-559.300 Net Worth and Bond.

(1) A licensee offering products or services under Chapter 560, F.S., must maintain a minimum net worth at all times. The minimum net worth amount is determined based on the maximum number of consumers as authorized by the Office to receive the innovative financial product or service. See table below to determine the minimum amount of net worth:

<u>Total Number of Consumers</u>	<u>Required</u>
<u>Amount of Net Worth</u>	
<u>0 - 7,500</u>	<u>\$25,000</u>
<u>7,501 - 15,000</u>	<u>\$50,000</u>
<u>15,001 - 20,000</u>	<u>\$75,000</u>
<u>20,001 - 25,000</u>	<u>\$100,000</u>

(2) A licensee offering products or services under Chapter 560, F.S., must maintain a surety bond or alternative security device at all times. Only alternative security devices allowed in section 560.209, F.S., may be substituted for a surety bond. See table below to determine the minimum amount of surety bond or alternative security device:

<u>Total Number of Consumers</u>	<u>Required</u>
<u>Minimum Amount</u>	
<u>0 - 7,500</u>	<u>\$75,000</u>
<u>7,501 - 15,000</u>	<u>\$150,000</u>
<u>15,001 - 20,000</u>	<u>\$200,000</u>
<u>20,001 - 25,000</u>	<u>\$250,000</u>

Rulemaking Authority 559.952(11)(a) FS. Law Implemented 559.952(4), 559.952(9), 559.952(11)(a) FS. History–New _____.

69V-559.800 Conclusion of Sandbox Period and Business Operations.

(1) In accordance with section 559.952(7)(c), F.S., written notification to consumers regarding the conclusion of the initial or extended sandbox period must be provided in the following manner:

a. Electronic notification via email or text messages, provided the email address or phone number used for the notification was provided by the customer as a part of the account creation or maintenance process, and the email address or phone number has been verified by the licensee as belonging to the customer; or

b. A letter sent First Class mail through the United States Postal Service.

(2) In addition to those items required in section 559.952(7)(c), F.S., the written notification to consumers shall at a minimum include the following:

(a) Date of the notice;

(b) The expiration date of the sandbox period;

(c) Outstanding balance owed to the licensee;

(d) Transaction date and amount of any outstanding money transmissions or payment instruments sold to the customer;

(e) The name and telephone number of a contact person(s) whom the customer may contact after the conclusion of the sandbox period or extended sandbox period;

(f) How the consumer can make payments after the conclusion of the sandbox period;

(g) Address where payments may be made for any outstanding balances owed to the sandbox innovator; and

(h) Any changes in the licensee’s contact information including where to make payments.

Rulemaking Authority 559.952(11)(a) FS. Law Implemented 559.952(7)(c), 559.952(11)(a) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory Oaks
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2020

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.026 RULE TITLE: Florida Real Estate Appraisal Departmental Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 45 No. 126, June 28, 2019 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-31.039 RULE TITLE: Test and Treat Certification: Formulary of Medicinal Drugs.

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 46 No. 177, September 10, 2020 issue of the Florida Administrative Register.

The correction is as follows:

The title of the proposed rule was listed incorrectly in the Notice of Proposed Rule published in the Florida Administrative Register as referenced above. The correct title of the rule is: Test and Treat Certification: Formulary of Medicinal Drugs.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica Sapp, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254; Jessica.Sapp@flhealth.gov.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

Office of Early Learning

RULE NO.: 6M-4.710 RULE TITLE: School Readiness Program Curricula

The Office of Early Learning hereby gives notice: That on September 25, 2020, an Order was filed granting the request made by the American Montessori Society for a waiver from the requirements of Rule 6M-4.710, F.A.C., as it relates to the specifications, policies and procedures for the School Readiness curriculum approval process. The emergency petition was filed with the Office of Early Learning on or about August 28, 2020. The Notice was published on September 9, 2020 in vol. 46, no. 176 of the Florida Administrative Register. The granting of the waiver will allow the purpose of the statute to be met while avoiding substantial hardship that would otherwise result.

A copy of the Order or additional information may be obtained by contacting: Margaret O’Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, Maggi.Parker@oel.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on September 30, 2020, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from SKY KONE LLC located in Melbourne. 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 and 3-compartment sinks.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on September 30, 2020, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, Paragraph 61C-4.010(1), Florida Administrative Code, and Paragraph 61C-4.010(6), Florida Administrative Code from D'ANTOJOS CATERING INC located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-22.016 Minimum Curriculum for Nail Specialty Training

NOTICE IS HEREBY GIVEN that on September 16, 2020, the Board of Cosmetology, received a petition for waiver or variance filed by Sage-Marie Bentley. The Petitioner seeks a waiver or variance from Rule 61G5-22.016, F.A.C., regarding the curriculum requirements for nail specialty licensure in Florida. Comments on this petition should be filed with the Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, FL 32399-0783, or by electronic mail - Krista.Woodard@dbpr.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.004 Selection Procedures for Developments

NOTICE IS HEREBY GIVEN that on September 29, 2020, the Florida Housing Finance Corporation, received a petition for waiver from paragraphs 67-48.004(3)(g) and 67-21.003(8)(g) F.A.C. from BDG Royal Park Apartments, LP, to allow Petitioner to change the Development Type for from "Mid-Rise, 5 to 6 Stories" to "Garden Apartments".

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Section VI

Notice of Meetings, Workshops and Public Hearings

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2020, 2:00 p.m. ET.

PLACE: Conference call #: 1-888-585-9008; conference room # 150-560-789

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Parole Qualifications Committee announces that a meeting will be held, by telephone conference call, to which all persons are invited.

Upcoming vacancy for Commissioner, Commission on Offender Review.

*A copy of the agenda shall be made available on the Commission on Offender Review’s public website, at the “Parole Qualifications Committee Meetings and Minutes” section, a week prior to the meeting time.

Pursuant to 286.0105, Florida Statutes, if a person decides to appeal any decision made by a committee with respect to any matter considered at a meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made.

SPACE FLORIDA

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

DATE AND TIME: October 8, 2020, 9:00 a.m. ET

PLACE: Zoom Meeting ID: 895 2443 7692 Passcode: 5301144; Call in Number: +1 646 558 8656 US (New York)

Use Zoom Meeting ID and Password Above

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Space Florida Evaluation Committee members will be considering the proposals submitted by vendors in response to the competitive solicitation for the Request for Qualifications for Independent Construction Engineering and Inspection (CEI) Services in support of the Shuttle Landing Facility (SLF) Block 1 Development RFQ 02-0-2020. Vendors will be interviewed by the Space Florida evaluation committee members and answering questions as part of the competitive solicitation process during which time the meeting will be open to the public.

A copy of the agenda may be obtained by contacting: Annette O’Donnell at aodonnell@spaceflorida.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 2 days before the workshop/meeting by contacting: Annette O’Donnell at aodonnell@spaceflorida.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Annette O’Donnell at aodonnell@spaceflorida.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Agency for Health Care Administration announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 28, 2020, 9:00 a.m.

PLACE: Conference Call #1(888)585-9008, Conference Room #: 998-518-088

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be meeting to review applications received for consideration for the Gold Seal Award. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:RULE TITLES:

- 62-304.100 Scope and Intent
- 62-304.300 St. Marks River Basin TMDLs
- 62-304.305 Ochlockonee Basin TMDLs
- 62-304.310 Apalachicola River Basin TMDLs
- 62-304.315 Chipola River Basin TMDLs
- 62-304.320 St. Andrews Bay Basin TMDLs
- 62-304.325 Choctawhatchee River Basin TMDLs
- 62-304.330 Pensacola Bay Basin TMDLs
- 62-304.335 Perdido Bay Basin TMDLs
- 62-304.400 Upper Suwannee Basin TMDLs
- 62-304.405 Lower Suwannee River Basin TMDLs
- 62-304.406 Aucilla River Basin TMDLs
- 62-304.410 Santa Fe River Basin TMDLs
- 62-304.415 Lower St. Johns River Basin TMDLs
- 62-304.425 Nassau Basin TMDLs
- 62-304.430 St. Mary's Basin TMDLs
- 62-304.435 Upper East Coast Basin TMDLs
- 62-304.500 Ocklawaha River Basin TMDLs
- 62-304.505 Middle St. Johns River Basin TMDLs
- 62-304.506 Wekiva Springs Study Area TMDLs.
- 62-304.510 Upper St. Johns River TMDLs.
- 62-304.515 Kissimmee River Basin TMDLs
- 62-304.520 Indian River Lagoon Basin TMDLs
- 62-304.600 Tampa Bay Basin TMDLs
- 62-304.605 Alafia River TMDLs
- 62-304.610 Hillsborough River Basin TMDLs
- 62-304.615 Manatee River Basin TMDLs
- 62-304.620 Little Manatee River Basin TMDLs

- 62-304.625 Peace River Basin TMDLs
- 62-304.640 Withlacoochee Basin TMDLs
- 62-304.645 Springs Coast Basin TMDLs
- 62-304.700 Total Maximum Daily Loads in the Southeast Florida District
- 62-304.705 St. Lucie Basin TMDLs
- 62-304.710 Loxahatchee Basin TMDLs
- 62-304.715 Lake Worth Lagoon Basin TMDLs
- 62-304.725 Southeast Coast Basin TMDLs
- 62-304.726 Pompano Canal TMDL
- 62-304.735 Everglades Basin TMDLs
- 62-304.800 Caloosahatchee River Basin TMDLs.
- 62-304.805 Charlotte Harbor Basin TMDLs
- 62-304.810 Everglades West Coast Basin TMDLs
- 62-304.815 Fisheating Creek Basin TMDLs
- 62-304.900 Statewide TMDLs

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

DATE AND TIME: October 15, 2020, 3:00 p.m.

PLACE: Webinar Registration:
<https://attendee.gotowebinar.com/register/7226857242839987723>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will be receiving public comment on its proposed efforts to streamline and otherwise cleanup various provisions in Chapter 62-304, F.A.C. For instance, duplicative text in individual TMDLs will be consolidated in one location in the rule chapter. These revisions will not substantively change any adopted TMDLs or their allocations in the rule chapter. The Department also is proposing to delete several total coliform TMDLs that still remain in four rule sections (rules 62-304.415, .500, .505, and .610). The total coliform criteria were removed from state water quality standards almost 14 years ago. A draft of the proposed rule revisions will be posted 7 days in advance of the meeting at the following location: <ftp://ftp.dep.state.fl.us/pub/outgoing/TMDL/>. The Department will accept written comments on the proposed changes to the Chapter 62-304, F.A.C., through October 23, 2020. Written comments should be directed to: Ansel Bubel, Environmental Administrator, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Ansel.Bubel@dep.state.fl.us

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850) 245-8449.

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: Ms. Shamyah Gibson, (850)245-8449. If you are

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: October 29, 2020, 11:30 a.m., ET

PLACE: Conference Calls: 1 (888) 585-9008; then enter Conference Room Number 564-341-766 followed by the # sign.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

A copy of the agenda may be obtained by contacting: The Board of Physical Therapy, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399, by visiting our website at: <http://floridasphysicaltherapy.gov/> or by calling the board office at (850) 245-4373.

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 days before the workshop/meeting by contacting: The Department Health at (850) 245-4444. If you are hearing or speech impaired, please contact the department by calling 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD). 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 Board of Physical Therapy, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399, by visiting our website at: <http://floridasphysicaltherapy.gov/> or by calling the board office at (850) 245-4373.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Pain Management Clinic Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 15, 2020, 9:00 a.m. ET.

PLACE: Meet-Me #: 1 (888) 585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Sheila Autrey at (850) 558-9813 or email her at sheila.autrey@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Sheila Autrey at (850) 558-9813 or email her at sheila.autrey@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Sheila Autrey at (850) 558-9813 or email her at sheila.autrey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: November 5, 2020, 9:00 a.m. ET

PLACE: 1-888-585-9008, Participant Code: 599196982#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: www.floridaspharmacy.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: (850) 245-4474. 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: (850) 245-4474.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The State Child Abuse Death Review Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 9, 2020, 10:00 a.m.- 2:00 p.m.

PLACE: Conference Line: (888)585-9008, Conference Room # 574-649-225

Webinar

Link:

<https://attendee.gotowebinar.com/register/5248713778724505355>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Child Abuse Death Review (CADR) Committee has planned a collaborative webinar meeting. The meeting will focus on ways to reduce preventable child abuse deaths in Florida. The Committee makes policy and program recommendations to improve child health, safety and protection. The Participants will address any administrative issues and work cooperatively to develop plans for initiating local and statewide action in direct response to preventable child deaths reviewed by local CADR committees.

A copy of the agenda may be obtained by contacting: Joshua.Thomas@flhealth.gov.

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

For more information, you may contact: Joshua.Thomas@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The Children's Medical Services/ Newborn Screening Follow-up Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 20, 2020, 9:00 a.m.

PLACE: Go To Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Genetics and Newborn Screening Advisory Council (GNSAC) Task Force will be conducting a conference call to discuss the optimal collection methods and data available for Critical Congenital Heart Defects (CCHD) screening.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/802969229>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (646) 749-3129

A copy of the agenda may be obtained by contacting: Caitlin.Roberts@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Caitlin.Roberts@flhealth.gov.

DEPARTMENT OF HEALTH

Office of Statewide Research

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

DATE AND TIME: October 21, 2020, 1:30 p.m.

PLACE: tel. 1(888)585-9008, room 852 642 835

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct review of new research studies involving human participants, modifications to existing studies, and continuing review of ongoing research to make sure research studies comply with regulations and the Department’s ethical standards.

A copy of the agenda may be obtained by contacting: The Florida Dept. of Health IRB at IRB@flhealth.gov.

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

For more information, you may contact: The Florida Dept. of Health IRB at IRB@flhealth.gov.

SUNSHINE STATE ONE CALL OF FLORIDA

The Sunshine State One Call of Florida, Inc., d/b/a Sunshine 811 announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 15, 2020, 10:00 a.m. – 12:00 Noon

PLACE: These meetings will be held by video conference. To participate, please click on:

URL: <https://sunshine811.webex.co/173.243.2.68m>

Meeting Number: 132 413 5813

OR you may call:

Dial In Numbers:

1(415)655-0001 US Toll

1(844)621-3956 US Toll Free

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Meeting.

Purpose: To develop the agenda for the November 19 & 20, 2020 Committee, and Board of Directors meetings.

A copy of the agenda may be obtained by contacting: N/A

For more information, you may contact: Lori Budiani, Executive Assistant by email: lori.budiani@sunshine811.com.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

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

DATE AND TIME: Thursday, October 8, 2020, 5:30 p.m. – 6:30 p.m.

PLACE: To participate from your computer, tablet or smartphone please click on the link below:

<https://bit.ly/2E70PoX>. Participants can also use their phone by dialing in to +1 (850)739-5589; conference ID: 579-449-339#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Four will hold a Virtual Public Meeting for the Resurfacing project along SR-882/Forest Hill Boulevard from SR-7/US-441 to Pinehurst Drive, Palm Beach County. The project identification number is 441633-1-52-01.

The proposed improvements include: pavement resurfacing, upgrading curb ramps to meet Americans with Disabilities Act (ADA) standards, upgrading intersection street lighting and pedestrian signalization.

The Virtual Public Meeting will consist of a formal presentation followed by an open discussion. Staff will be available to answer questions and provide assistance. Questions will be responded to as time permits, in the order received. If your question is not responded to during the event, a response will be provided in writing following the virtual meeting.

A copy of the agenda may be obtained by contacting: FDOT Project Manager, Mr. Brad Salisbury, P.E. at (954) 777-4160 or via email at Brad.Salisbury@dot.state.fl.us.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

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: Mr. Brad Salisbury, P.E. at (954) 777-4160 or in writing at FDOT, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 or by email at: Brad.Salisbury@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).

For more information, you may contact: FDOT Project Manager, Mr. Brad Salisbury, P.E. at (954) 777-4160 or via email at Brad.Salisbury@dot.state.fl.us.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has issued an order disposing of the petition for declaratory statement filed by TandP, LLC. on July 01, 2020. The following is a summary of the agency's disposition of the petition:

On September 29, 2020, a Final Order on the Petition was issued. The Office determined that under the specific set of facts set forth in the Petition outlining the proposed business model, Petitioner is not exempt from licensing under chapter 560, Florida Statutes, as an agent of an exempt entity. Petitioner's data processing activities as described in the Petition do not require a license as a money services business under chapter 560, Florida Statutes, to the extent Petitioner is only transmitting payment instruction data or information. Petitioner's payment processing activities as described in the Petition require a license as a money services business under chapter 560, Florida Statutes, to the extent Petitioner receives funds which it then transmits to other persons. . *****The original petition was published July 6, 2020 in the Florida Administrative Register Volume 46, Number 130.

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

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

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, September 24, 2020 and 3:00 p.m., Wednesday, September 30, 2020.

Rule No.	File Date	Effective Date
59G-13.070	9/29/2020	10/19/2020
61H1-33.003	9/30/2020	10/20/2020
64B4-6.0025	9/24/2020	10/14/2020
64B7-26.002	9/30/2020	10/20/2020
64B7-26.006	9/30/2020	10/20/2020
64B7-28.002	9/28/2020	10/18/2020
64B7-28.0043	9/28/2020	10/18/2020
64B7-28.009	9/28/2020	10/18/2020
64B7-28.0095	9/28/2020	10/18/2020
64B7-28.0096	9/28/2020	10/18/2020

64B7-28.0010	9/28/2020	10/18/2020
64B9-3.002	9/24/2020	10/14/2020
64B9-3.008	9/24/2020	10/14/2020
64B9-4.020	9/24/2020	10/14/2020
64B9-6.003	9/24/2020	10/14/2020
64B9-15.0035	9/24/2020	10/14/2020
64B10-15.001	9/28/2020	10/18/2020
69A-60.002	9/24/2020	12/31/2020
LIST OF RULES AWAITING EPA APPROVAL PURSUANT TO SECTION 373.4146 (2), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
62-330.010	7/21/2020	**/**/****
62-330.050	6/26/2020	**/**/****
62-330.060	6/26/2020	**/**/****
62-330.090	6/26/2020	**/**/****
62-330.201	6/26/2020	**/**/****
62-330.340	6/26/2020	**/**/****
62-330.402	6/26/2020	**/**/****
62-331.010	7/21/2020	**/**/****
62-331.020	6/11/2020	**/**/****
62-331.030	6/11/2020	**/**/****
62-331.040	6/11/2020	**/**/****
62-331.050	6/11/2020	**/**/****
62-331.051	7/21/2020	**/**/****
62-331.052	7/21/2020	**/**/****
62-331.053	7/21/2020	**/**/****
62-331.054	7/21/2020	**/**/****
62-331.060	7/21/2020	**/**/****
62-331.070	6/11/2020	**/**/****
62-331.080	7/21/2020	**/**/****
62-331.090	7/21/2020	**/**/****
62-331.100	6/11/2020	**/**/****

62-331.110	7/21/2020	**/**/****
62-331.120	7/21/2020	**/**/****
62-331.130	6/11/2020	**/**/****
62-331.140	6/11/2020	**/**/****
62-331.160	7/21/2020	**/**/****
62-331.200	7/21/2020	**/**/****
62-331.201	7/21/2020	**/**/****
62-331.210	7/21/2020	**/**/****
62-331.211	6/11/2020	**/**/****
62-331.212	6/11/2020	**/**/****
62-331.213	6/11/2020	**/**/****
62-331.214	6/11/2020	**/**/****
62-331.215	7/21/2020	**/**/****
62-331.216	7/21/2020	**/**/****
62-331.217	7/21/2020	**/**/****
62-331.218	6/11/2020	**/**/****
62-331.219	6/11/2020	**/**/****
62-331.220	6/11/2020	**/**/****
62-331.221	6/11/2020	**/**/****
62-331.222	6/11/2020	**/**/****
62-331.223	6/11/2020	**/**/****
62-331.224	6/11/2020	**/**/****
62-331.225	7/21/2020	**/**/****
62-331.226	7/21/2020	**/**/****
62-331.227	6/11/2020	**/**/****
62-331.228	6/11/2020	**/**/****
62-331.229	7/21/2020	**/**/****
62-331.230	7/21/2020	**/**/****
62-331.231	7/21/2020	**/**/****
62-331.233	6/11/2020	**/**/****
62-331.234	6/11/2020	**/**/****
62-331.235	6/11/2020	**/**/****

62-331.236	6/11/2020	**/**/****
62-331.237	6/11/2020	**/**/****
62-331.238	6/11/2020	**/**/****
62-331.239	6/11/2020	**/**/****
62-331.240	7/21/2020	**/**/****
62-331.241	6/11/2020	**/**/****
62-331.242	7/21/2020	**/**/****
62-331.243	6/11/2020	**/**/****
62-331.244	6/11/2020	**/**/****
62-331.245	6/11/2020	**/**/****
62-331.246	6/11/2020	**/**/****
62-331.247	6/11/2020	**/**/****
62-331.248	7/21/2020	**/**/****
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	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

Pursuant to Section 120.74(2)(a)3., Florida Statutes, notice is hereby given that the Education Practices Commission Plan is available, effective October 1, 2020, at the following web address:

<http://www.fldoe.org/policy/state-board-of-edu/rule-review.shtml>

DEPARTMENT OF LAW ENFORCEMENT

Notice of Publication of 2020-2021 Annual Regulatory Plan
 The Department of Law Enforcement hereby gives notice of the publication of the Department's Annual Regulatory Plan for 2020-2021 pursuant to subsection 120.74(2), F.S. The date of publication to the Department's website is October 1, 2020 and can be accessed by the following link:
<http://www.fdle.state.fl.us/Open-Government/Open-Government.aspx>

STATE BOARD OF ADMINISTRATION

Notice of Filing of Annual Regulatory Plan
 As required pursuant to Section 120.74, Florida Statutes, the State Board of Administration (“SBA”) hereby is providing notice that the SBA's Annual Regulatory Plan (“ARP”) was published on the SBA’s website on September 30, 2020. Interested parties may access the ARP on the SBA’s internet site at:
<https://www.sbafla.com/fsb/PerformanceReports/AnnualRegulatoryPlan.aspx>

DEPARTMENT OF CORRECTIONS

NOTICE OF PUBLICATION OF REGULATORY PLAN
 Pursuant to section 120.74(2)(a)3., Florida Statutes, notice is hereby given that the Department of Corrections published its 2020-2021 Regulatory Plan on its website on September 30, 2020, pursuant to section 120.74(2)(a)1., Florida Statutes. The following hyperlink provides direct access to the 2020-2021 Regulatory Plan of the Department of Corrections:
<http://www.dc.state.fl.us/pub/regulatory/2020-2021.pdf>

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration
 Florida Department of Agriculture and Consumer Services
 2020 Annual Rulemaking and Regulatory Plan
 On September 30, 2020, the Florida Department of Agriculture and Consumer Services published its 2020 Annual Rulemaking and Regulatory Plan on its website as required by section 120.74, Florida Statutes. The Plan can be accessed online at <https://www.fdacs.gov/Divisions-Offices/General-Counsel>.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Tolomato Community Development District
 Notice of Receipt of Petition
RULE NO.: RULE TITLE:
 42SS-1.002 Boundary
 Petition to Amend the Boundaries of the Tolomato Community Development District
 On August 4, 2020, the Florida Land and Water Adjudicatory Commission (“FLWAC” or “Commission”) received a petition to amend the boundaries of the Tolomato Community Development District (“Tolomato CDD” or “the District”). The Commission will follow the requirements of Chapter 42-1,

DEPARTMENT OF EDUCATION

Education Practices Commission
NOTICE OF PUBLICATION OF AGENCY REGULATORY PLAN

F.A.C., and Chapter 190, F.S., as amended, in considering the petition.

SUMMARY OF CONTENTS OF PETITION: The petition requests expansion of the Tolomato CDD by adding approximately 466.07 acres of property to the District's boundaries. The Tolomato CDD currently consists of approximately 13,467.79 acres of land located within St. Johns County and the City of Jacksonville, Duval County, Florida. The expansion parcel is commonly referred to as Summit at Twenty Mile. After expansion, the District will encompass a total of approximately 13,933.86 acres.

SUMMARY OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs (SERC) was prepared at the request of the District. The complete text of the SERC is contained as Exhibit 9 to the petition. Generally, the SERC indicates:

Expansion of the District boundaries is not expected to have any material economic impact;

Any adverse impact on business competitiveness will be negligible;

The expansion of the District will involve the State and its residents, St. Johns County and the City of Jacksonville, Duval County and its residents, property owners within the existing District and those to be added through District expansion, and future property owners;

The expansion will result in limited review costs to the reviewing agency and other state and local government entities; The expanded District will continue to incur costs for operations and maintenance of its facilities and for its administration. These costs will be completely paid for from annual assessments against all properties within the expanded District benefiting from its facilities and its services;

The expansion of the District will have no impact on state or local revenues;

There are no anticipated additional transaction costs associated with modifying the District boundaries to add the expansion area.; and,

The expansion of the District will have no adverse impact on small businesses, counties or cities.

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

DATE AND TIME: October 13, 2020; 3:00 p.m.

PLACE: Nocatee Amenity Center

Crosswater Hall

245 Nocatee Center Way

Ponte Vedra, Florida 32081

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Katie S. Buchanan, Hopping Green & Sams, P.A., 119 South Monroe Street, Suite 300, Tallahassee, Florida 32301, telephone (850)

222-7500, at least two business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Katie S. Buchanan, Hopping Green & Sams, P.A., 119 South Monroe Street, Suite 300, Tallahassee, Florida 32301, telephone (850) 222-7500, or Barbara Leighty, Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, telephone (850) 717-9513, barbara.leighty@laspbs.state.fl.us.

DEPARTMENT OF VETERANS' AFFAIRS
2020-2021 Fiscal Year Annual Regulatory Plan

<https://floridavets.org/wp-content/uploads/2020/09/GCO-2020-2021-Annual-Regulatory-Plan.pdf>

2020-2021 ANNUAL REGULATORY PLAN

Section 120.74 (1), Fla. Stat., requires agencies to prepare and publish an Annual Regulatory Plan ("ARP") by October 1 of each year. Subsections (a)-(d) require:

(a) Listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency.

During the previous twelve months, no enactments of the Florida Legislature have created or modified duties or authority of the agency prompting promulgation or new or amended rules.

(b) Listing of each law not otherwise listed pursuant to paragraph (a) which the agency expects to implement by rulemaking before the following July 1, except emergency rulemaking.

None.

(c) Desired updates to the prior year's regulatory plan published pursuant to subsection (7).

None.

() Certification on behalf of the agency by the agency head and the principal legal advisor .

I, James S. Hartsell, Deputy Executive Director and agency head of the State of Florida Department of Veterans' Affairs, certify that I have reviewed the 2020-2021 Annual Regulatory Plan, that the agency regularly reviews all of its rules and has most recently reviewed all agency rules to determine that the rules remain consistent with the agency's rulemaking authority.

By: /s/ James S. Hartsell, Deputy Executive Director

Deputy Executive Director

I, Charles T. Faircloth, General Counsel and principal legal advisor to the agency head of the State of Florida Department of Veterans' Affairs, certify that I have reviewed the 2020-2021 Annual Regulatory Plan, that the agency regularly reviews all of its rules and has most recently reviewed all agency rules to determine that the rules remain consistent with the agency's rulemaking authority.

By: /s/Charles T. Faircloth General Counsel

DEPARTMENT OF MANAGEMENT SERVICES
 Public Employees Relations Commission
 Notice of Publication of 2020-2021 Regulatory Plan
 NOTICE IS HEREBY GIVEN that on September 30, 2020, the Public Employees Relations Commission (PERC) published its 2020-2021 Regulatory Plan in accordance with Section 120.74(2), Florida Statutes. The Regulatory Plan is available on PERC's website at http://perc.myflorida.com/annual_regulatory_plan_2020-2021.pdf.

DEPARTMENT OF MANAGEMENT SERVICES
 E911 Board
 NOTICE OF PUBLICATION OF AGENCY REGULATORY PLAN
 Pursuant to Section 120.74(2)(a)3., Florida Statutes, notice is hereby given that the E911 Board Regulatory Plan is available, effective October 1, 2020, at the following web address: https://www.dms.myflorida.com/content/download/149559/997310/2020-21_Plan_Adopted_by_the_E911_Board.pdf

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Florida Mobile Home Relocation Corporation
 Notice of Publication of Annual Regulatory Plan
 As required by F.S. 120.74, the Florida Mobile Home Relocation Corporation (FMHRC) published its Annual Regulatory Plan (ARP) on its website on September 29, 2020. Interested parties may access the ARP on FMHRC's website at the following link: <http://dev.fmhrc.org/test-web/forms/2020-2021%20Annual%20Regulatory%20Plan.pdf>

DEPARTMENT OF HEALTH
 64ER20-8 Submission of Product for Testing
 NOTICE IS HEREBY GIVEN that on September 22, 2020, the Department of Health received a Petition for Emergency Waiver from Curaleaf Florida, LLC. The petition seeks an emergency variance from Rule 64ER20-8(8), F.A.C., which prohibits a certified marijuana testing laboratory (CMTL) from sampling and testing a previously failed retail batch, and precludes a medical marijuana treatment center from arranging or allowing for another CMTL to sample or re-sample the same retail batch. Any interested person or other agency may submit written comments within 5 days after the publication of this notice to: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703 or by facsimile at 850-413-8743.

A copy of the Petition for Emergency Waiver may be obtained by contacting: Christopher Ferguson, Department of Health, Office of Medical Marijuana Use, 4052 Bald Cypress Way, Bin M-01, Tallahassee, Florida 32399 or by email at Christopher.Ferguson@flhealth.gov.

DEPARTMENT OF HEALTH
 Notice of Publication of Department of Health Annual Regulatory Plans
 In accordance with section 120.74, Florida Statutes, the Department of Health provides notice that the Department's Annual Regulatory Plan and the Annual Regulatory Plans of all boards established under section 20.43(3)(g), Florida Statutes, are available effective Thursday, October 1, 2020 at the following web addresses: http://www.floridahealth.gov/_documents/annual-regulatory-plan-fdoh.pdf and http://www.floridahealth.gov/_documents/annual-regulatory-plan-boards.pdf.

DEPARTMENT OF CHILDREN AND FAMILIES
 Agency for Persons with Disabilities
 Notice of Publication of Regulatory Plan
 Pursuant to section 120.74(2)(a)3., Florida Statutes, notice is hereby given that the Agency for Persons with Disabilities' 2020-2021 Annual Regulatory Plan is available, effective October 1, 2020, on the Agency's website at the following web address: <https://apd.myflorida.com/publications/reports/docs/APD%202020-2021%20Annual%20Regulatory%20Plan.pdf>.

DEPARTMENT OF FINANCIAL SERVICES
 Notice of Publication of 2020-2021 Annual Regulatory Plan
 NOTICE IS HEREBY GIVEN that on September 30, 2020, the Department of Financial Services published its 2020-2021 Regulatory Plan on the agency's primary website homepage at <https://www.myfloridacfo.com/division/RuleReview/default.htm> as required by Section 120.74(2), F.S.

DEPARTMENT OF FINANCIAL SERVICES
 FSC - Financial Institution Regulation
 Office of Financial Regulation
 NOTICE OF FILINGS
 Financial Services Commission
 Office of Financial Regulation
 October 1, 2020
 Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division

Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile OR By Hand Delivery

Agency Clerk Agency Clerk
Office of Financial Regulation Office of Financial Regulation
P.O. Box 8050 General Counsel's Office
Tallahassee, Florida 32314-8050 The Fletcher Building,
Suite 118

Phone: (850) 410-9889 101 East Gaines Street
Fax: (850) 410-9663 Tallahassee, Florida 32399-0379
Phone: (850) 410-9889

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the Agency Clerk no later than seven (7) days prior to the filing deadline or proceeding, at the Office of Financial Regulation, The Fletcher Building, Suite 118, 101 East Gaines Street, Tallahassee, Florida 32399-0379, Phone: (850) 410-9889, or by Email: agency.clerk@flofr.com.

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., October 22, 2020):

APPLICATION FOR CONVERSION OF A FEDERAL CREDIT UNION

TO A STATE CREDIT UNION

Applicant and Location: SunState Federal Credit Union, 4500 NW 27th Avenue, Building C-1 South, Gainesville, Alachua County, Florida

With Title: Radiant Credit Union

Received: September 25, 2020

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA

Federal Reserve Bank of Atlanta, Atlanta, GA

Comptroller of the Currency, Atlanta, GA

Florida Bankers Association, Tallahassee, Florida

John H. DeLoach, Attorney

William G. Berg

Jared Ross

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.