

## Section I

### Notice of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-4.0213	Definitions
65G-4.0214	Allocation Algorithm
65G-4.0215	General Provisions
65G-4.0216	Establishment of the iBudget Amount
65G-4.0217	iBudget Cost Plan
65G-4.0218	Significant Additional Need Funding

**PURPOSE AND EFFECT:** The purpose of the rule development is to receive public input pertaining to development of rules to comply with Chapter 2020-071, Laws of Florida. Chapter 2020-071, Laws of Florida, revised some of the requirements for the Agency to establish the individual budgeting (“iBudget”) system for the delivery of Medicaid Home and Community Based Services Waiver services to clients with developmental disabilities. Specifically, Chapter 2020-071, Laws of Florida, revised the criteria used by the Agency to authorize additional funding for clients with significant additional needs and requires the Agency to certify and document the use of other available services before approving the expenditure of certain funds. These rules also clarify the documentation required for each service requested in a client’s cost plan and a significant additional needs request.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed in these rules includes the criteria used by the Agency to develop a client’s iBudget amount and determine additional funding for certain clients, including requirements for the Agency to certify and document the use of other available services before approving the expenditure of certain funds.

**RULEMAKING AUTHORITY:** 393.501(1), 393.0662, F.S.

**LAW IMPLEMENTED:** 393.0662, 409.906, F.S.

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

**DATE AND TIME:** October 19, 2020, 1:00 p.m. EDT

**PLACE:** Attendees may register for the hearing at: <https://attendee.gotowebinar.com/register/8131087908325507339>. After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Danielle Thompson at (850) 922-4556. If you are

hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, which can be reached at 1(800)955-8700 (Voice) or 1(800)955-8771 (TTD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Danielle Thompson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-4556, Danielle.Thompson@apdcares.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-4.0213 Definitions.

For the purposes of this chapter, the term:

(1) “Agency” means the Agency for Persons with Disabilities.

(2)(1) “Allocation Algorithm”:—~~The~~ means the mathematical formula based upon statistically validated relationships between client individual characteristics (variables) and the client’s individual’s level of need for services provided through the Waiver as set forth in rule 65G-4.0214, F.A.C., and as provided in section 393.0662(1)(a), F.S.

(3)(2) “Allocation Algorithm Amount”:—~~The~~ means the result of the Allocation Algorithm apportioned according to available funding.

(4)(3) “Amount Implementation Meeting Worksheet” or “AIM Worksheet” means a form used by the Agency for new Waiver enrollees, and upon recalculation of a client’s an individual’s algorithm, to:

(a) Communicate a client’s an individual’s Allocation Algorithm Amount;

(b) Identify proposed services based upon the Allocation Algorithm Amount; and

(c) Identify additional services, if any, should the client individual or their legal representative feel that any Significant Additional Needs of the client individual cannot be met within the Allocation Algorithm Amount. The AIM Amount Implementation Meeting (AIM) Worksheet – APD Form 65G-4.0213 A 2015-01, effective 12-3-2014, is hereby adopted and incorporated by reference in the rule, and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07071>.

(5)(4) “Approved Cost Plan”:—~~The~~ means the document that lists all Waiver services that have been authorized by the Agency for the client individual, including the anticipated cost of each approved Waiver service, the provider of the

approved service, and information regarding the provision of the approved service.

(6) “Certification of Available Services” means a form completed by the WSC to certify that the client has utilized all available services through the Medicaid State Plan, school-based services, private insurance, other benefits, and any other resources, such as local, state, and federal government and non-government programs or services and natural or community supports, that might be available prior to requesting Waiver funds. The Certification of Available Services form certifies that the iBudget Waiver is the payer of last resort. A valid and accurate Certification form is a condition precedent to the authorization of services. The Certification of Available Services form – APD Form 65G-4.0213 B, effective \_\_\_\_\_, is hereby adopted and incorporated by reference in the rule and is available at \_\_\_\_\_.

(7) “Client” has the same meaning as provided in section 393.063(7), F.S.

(8)(5) “Client Advocate” has the same meaning as provided in section 393.063(8)(6), F.S, and includes legal counsel if designated by the client individual or the client’s legal individual’s representative.

(6) Extraordinary Need: Has the same meaning as provided in section 393.0662(1)(b), F.S.

(9) “Client Review” means the Agency’s review of information submitted by a WSC to determine if the request meets significant additional needs criteria.

(10) “Community Supports” means resources, services, and supports available to a client as a member of the community. This includes, but not limited to, resources available through organizations such as faith-based, cultural, geographic, non-profit, for-profit, and community groups.

(11)(7) “Handbook” means is the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, which is hereby incorporated by reference, \_\_\_\_\_ and \_\_\_\_\_ is \_\_\_\_\_ available \_\_\_\_\_ at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-07072>, as adopted by Rule 59G-13.070, F.A.C. (effective June 2018 9-3-2015) and \_\_\_\_\_ available \_\_\_\_\_ at <https://www.flrules.org/gateway/reference.asp?No=Ref-09414>.

(12)(8) “Health and Safety” includes both mental and physical health and safety.

(13) “iBudget” means the Home and Community-Based Services Medicaid Waiver program under section 409.906, F.S., that consists of the Waiver service delivery system utilizing individual budgets required pursuant to section 393.0662, F.S., and under which the Agency for Persons with Disabilities operates the Home and Community-Based Services Waiver.

(14)(9) “iBudget Amount” means the total amount of funds that have been approved by the Agency, pursuant to the iBudget Rules, for a client an individual to spend expend for Wwaiver services during a fiscal year.

(10) iBudget: The home and community based services Medicaid waiver program under section 409.906, F.S., that consists of the waiver service delivery system utilizing individual budgets required pursuant to section 393.0662, F.S., and under which the Agency for Persons with Disabilities operates the Developmental Disabilities Individual Budgeting Waiver.

(15)(11) “iBudget Rules” means rules 65G-4.0213 through 65G-4.0218, F.A.C., and are the rules which implement and interpret iBudget Amounts.

(12) Individual: a person with a developmental disability, as defined by section 393.063, F.S., and who is enrolled in iBudget.

(13) Individual representative: The individual’s parent (for a minor), guardian, guardian advocate, a designated person holding a power of attorney for decisions regarding health care or public benefits, designated attorney or a healthcare surrogate, or in the absence of any of the above, a medical proxy as determined under section 765.401, F.S. The individual’s Waiver Support Coordinator shall ascertain whether an individual has any of these representatives and inform the agency of the identity and contact information.

(14) Individual Review — Agency review of information submitted by a WSC, to determine if the request meets significant additional needs criteria.

(16) “Legal Representative” means:

(a) For clients under the age of 18 years, the legal representative or health care surrogate appointed by the Florida court to represent the child or anyone designated by the parent(s) of the child to act on the parent(s)’ behalf (e.g., due to military absence).

(b) For clients age 18 years or older, the legal representative could be the client, anyone designated by the client through a Power of Attorney or Durable Power of Attorney, a medical proxy under chapter 765, F.S., or anyone appointed by a Florida court as a guardian or guardian advocate under chapter 393 or 744, F.S.

(17)(15)(a) “Medically necessary” or “medical necessity”, as defined in the Handbook, means that the medical or allied care, goods, or services furnished or ordered must meet the following conditions:

1. Be necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain,
2. Be individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the patient’s needs,

3. Be consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational,

4. Be reflective of the level of service that can be safely furnished, and for which no equally effective and more conservative or less costly treatment is available; statewide; and;

5. Be furnished in a manner not primarily intended for the convenience of the recipient individual, the recipient's individual's caretaker, or the provider.

(b) The fact that a provider has prescribed, recommended, or approved medical or allied care, goods, or services does not, in itself, make such care, goods or services medically necessary or a medical necessity or a covered service.

(18)(16) "Natural Support": means uUnpaid supports that are or may be provided voluntarily to the client individual in lieu of Waiver services and supports. Any determination of the availability of natural supports includes, but is not limited to consideration of the client's individual's caregiver(s) age, physical and mental health, travel and work or school schedule, responsibility for other dependents, sleep, and ancillary tasks necessary to the health and well-being of the client.

(19)(17) "Person-centered planning": a planning approach directed by a client an individual with long term care needs, intended to identify the strengths, capacities, preferences, needs, and desired outcomes of the client individual. The client individual or legal representative family determines the other participants in this process for the purposes of assisting the client individual to identify and access a personalized mix of paid and non-paid services and supports that will assist him/her to achieve personally-defined outcomes in the most inclusive community setting and to facilitate health, safety, and well-being.

(20) "Qualified Organization" means an organization which employs waiver support coordinators who serve clients that receive services under the HCBS Waiver and is determined by the Agency to have met all of the requirements of section 393.0663(2), F.S., the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, and rule chapter 65G-14, Florida Administrative Code.

(21)(18) "Questionnaire for Situational Information" (QSI) or "QSI" effective 2-15-08: An means an assessment instrument used by the Agency to determine a client's an individual's needs in the areas of functional, behavioral, and physical status. The QSI is adopted by the Agency as the current valid and reliable assessment instrument and is hereby incorporated by reference. The QSI is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-07075>.

(22)(19) "QSI Assessor": means an Agency employee who has been certified by the Agency in the administration of the QSI.

(23)(20) "Service Authorization": means aAn Agency notification that authorizes the provision of specific Wwaiver services to a client an individual and includes, at a minimum, the provider's name and the specific amount, duration, scope, frequency, and intensity of the approved service.

(24)(21) "Service Families": means eEight categories that group services related to: Life Skills Development, Supplies and Equipment, Personal Supports, Residential Services, Support Coordination, Therapeutic Supports and Wellness, Transportation and Dental Services. The Service Families include the following services:

(a) Life Skills Development, which includes:

1. Life Skills Development Level 1 (companion services),
2. Life Skills Development Level 2 (supported employment); and;
3. Life Skills Development Level 3 (adult day training).

(b) Supplies and Equipment which includes:

1. Consumable Medical Supplies,
2. Durable Medical Equipment and Supplies,
3. Environmental Accessibility Adaptations; and;
4. Personal Emergency Response Systems (unit and services).

(c) Personal Supports, which includes:

1. Services formerly known as in-home supports, respite, personal care and companion for clients individuals age 21 or older, living in their own home or family home and also for those at least 18 but under 21 living in their own home; and;
2. Respite Care (for clients individuals under 21 living in their family home).

(d) Residential Services, which includes:

1. Standard Residential Habilitation,
2. Behavior-Focused Residential Habilitation,
3. Intensive-Behavior Residential Habilitation,
4. Enhanced Intensive Behavior Residential Habilitation
5. Medical Enhanced Intensive Behavior Residential Habilitation

6.4- Live-In Residential Habilitation,

7.5- Special Specialized Medical Home Care; and;

8.6- Supported Living Coaching.

(e) Waiver Support Coordination.

(f) Therapeutic Supports and Wellness, which includes:

1. Private Duty Nursing,
2. Residential Nursing,
3. Skilled Nursing,
4. Dietician Services,
5. Respiratory Therapy,
6. Speech Therapy,
7. Occupational Therapy,

- 8. Physical Therapy,
- 9. Specialized Mental Health Counseling,
- 10. Behavior Analysis Services; and,
- 11. Behavior Assistant Services.

(g) Transportation; and,

(h) Dental Services, which consists of Adult Dental Services.

~~(25)(22)~~ “Significant”: ~~Significant~~ means of considerable magnitude or considerable effect.

~~(26)(23)~~ “Significant Additional Needs” (SANs) or “SANs”: ~~Need for additional funding that if not~~ means, as provided in section 393.063(39), F.S., an additional need for medically necessary services which would place the health and safety of the client individual, the client’s individual’s caregiver, or the public in serious jeopardy which are authorized under section 393.0662(1)(b), F.S., and categorized as extraordinary need, significant need for one time or temporary support or services, or significant increase in the need for services after the beginning of the service plan year. In addition, the if it is not met. The term also includes a significant need for services to meet an additional need that the client requires in order to remain in the least restrictive setting, including, but not limited to, employment services and transportation services as provided in paragraph 65G-4.2018(1)(d), F.A.C., The Agency may provide additional funding only after the determination of a client’s initial allocation amount and after the WSC has documented the availability of non-Waiver resources on the Certification of Available Services form. Examples of SANs that may require long-term support include, but are not limited to, any of the following:

~~(a)~~ a A documented history of significant, potentially life-threatening behaviors, such as recent attempts at suicide, arson, nonconsensual sexual behavior, or self-injurious behavior requiring medical attention,

~~(b)~~ b A complex medical condition that requires active intervention by a licensed nurse on an ongoing basis that cannot be taught or delegated to a non-licensed person,

~~e~~ A chronic comorbid condition. As used in this subparagraph, the term “comorbid condition” means a diagnosed medical or mental health condition existing simultaneously but independently with another medical or mental health condition in a patient,

~~(c)~~ d A need for total physical assistance with activities of daily living such as eating, bathing, toileting, grooming, dressing, personal hygiene, lifting, transferring or ambulation;,

~~(d)~~ e Permanent or long-term loss or incapacity of a caregiver;,

~~(e)~~ f Loss of services authorized under the state Medicaid plan or through the school system due to a change in age;,

~~(f)~~ g Significant ~~decline change~~ in medical, behavioral or functional status;,

~~(g)~~ h Lack of a meaningful day activity needed to foster mental health, prevent regression or engage in meaningful community life and activities;,

~~(h)~~ i One or more of the situations described in rule 65G-1.047, F.A.C., Crisis Status Criteria; and

~~(i)~~ j Risk of abuse, neglect, exploitation, or abandonment that can be mitigated with Waiver services.

~~(27)~~ “Significant change in condition or circumstance” means a change in a client’s health status after an accident or illness, an actual or anticipated change in the client’s living situation, a change in the caregiver relationship or the caregiver’s ability to provide supports, loss of or deterioration of his or her home environment, or loss of the client’s spouse or caregiver. Examples of a significant change include:

(a) A deterioration in health status that requires that the client receive services at a greater intensity or in a different setting to ensure that client’s health or safety;

(b) Onset of a health, environmental, behavioral, or medical condition that requires that the client receive services at a greater intensity or in a different setting to ensure the client’s health or safety; or

(c) A change in age or living setting resulting in a loss of services funded or otherwise provided from sources other than the Waiver. This may include a change in living setting which requires a different service array or a change in the availability or health status of a primary caregiver that prevents that caregiver from continuing to provide support.

~~(28)(24)~~ “Support plan”: means ~~a~~ An individualized and person-centered plan of supports and services designed to meet the needs of ~~a client an individual~~ enrolled in the iBudget. The plan is based on the preferences, interests, talents, attributes and needs of ~~a client an individual~~, including the availability of natural supports.

~~(29)(25)~~ “Temporary basis”: means ~~a~~ a time period of less than 12 months.

~~(30)(26)~~ “Waiver”: means ~~t~~ The Developmental Disabilities Individual Budgeting Medicaid Home and Community Based Services Waiver (iBudget) operated by the Agency.

~~(31)(27)~~ “Waiver Support Coordinator” (WSC) or “WSC”: means ~~m~~ an employee a person of a qualified organization as defined in section 393.0663, F.S., who is selected by the ~~client individual or the client’s legal representative~~ to assist the ~~client individual~~ and family in identifying their capacities, needs, and resources; finding and gaining access to necessary supports and services; coordinating the delivery of supports and services; advocating on behalf of the ~~client individual~~ and family; maintaining relevant records; and monitoring and evaluating the delivery of supports and services to determine the extent to

which they meet the needs and expectations identified by the client individual, family, and others who participated in the development of the support plan with person-centered planning.

(32) “WSC Job Aid for Cost Plans and Significant Additional Needs Documentation” means a form that identifies the documentation required for each service requested in the cost plan. The documentation identified by this form is a material part of each request. The WSC Job Aid for Cost Plans and Significant Additional Needs Documentation – APD Form 65G-4.0213 D, effective \_\_\_\_\_, is hereby adopted and incorporated by reference into this rule and is available at \_\_\_\_\_.

(33) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662, 409.906 FS. History—New 7-7-16, Amended \_\_\_\_\_.

#### 65G-4.0214 Allocation Algorithm.

(1) To establish the Allocation Algorithm Amount for any client individual who has not previously had a QSI assessment, a QSI assessment must be completed prior to calculating the Allocation Algorithm Amount under subsection (2).

(a) The QSI assessor shall arrange for a face to face meeting with the client individual or the client’s legal individual’s representative. The WSC shall attend the face to face meeting with consent of the client individual or the client’s legal individual’s representative. If the client individual or the client’s legal individual’s representative is not capable of fully responding to all of the assessment questions, at least one participant with day-to-day knowledge of the client’s individual’s care should participate.

(b) A copy of the completed QSI evaluation and scores shall be provided to the client individual and WSC.

~~(c) Upon receiving QSI results if the individual or their representative identifies an error in the QSI results the WSC shall notify the Agency in writing setting forth the details of the error. At any time, the individual or WSC can prepare a statement to be maintained in individual’s Central File identifying any concerns with the QSI assessment score or responses. If any error is identified in the QSI assessment the agency shall review the error to determine if any adjustments are needed. The agency shall inform the WSC of the result of the review and provide a revised Allocation Algorithm Amount, if appropriate, within 15 working days of notification of the error. The WSC shall in turn notify the individual or the individual’s representative.~~

~~(c)(d)~~ The client individual or WSC may request a reassessment any time there has been a significant change in circumstance or condition that would impact any of the questions used as variables in the algorithm determination. The

Agency shall arrange for a reassessment at the earliest possible time in accordance with the circumstances, complete the reassessment, and notify the client individual and WSC of the results within 60 days of the request for reassessment. This section shall not be construed to require the Agency to wait for the completion of a QSI in order to address an emergency situation of the client individual.

(2) To calculate the Allocation Algorithm for each client individual, the following weighted values, as applicable, shall be summed, and the resulting total then squared:

- (a) The base value for all clients individuals, 27.5720;
- (b) If the client individual is age 21 to 30, 47.8473;
- (c) If the client individual is age 31 or older, 48.9634;
- (d) If the client individual resides in supported or independent living, or the client individual resides in a licensed facility and does not receive residential habilitation services, 35.8220;
- (e) If the client individual resides in a licensed residential facility that is designated to provide Standard or Live-In residential habilitation services, 90.6294;
- (f) If the client individual resides in a licensed residential facility with a Behavior Focus designation, 131.7576;
- (g) If the client individual resides in a licensed residential facility with an Intensive Behavior designation, 209.4558;
- (h) If the client individual resides in a licensed residential facility that is a Comprehensive Transitional Education Program or provides Special Medical Home Care, 267.0995;
- (i) The sum of the scores on the client individual questions in the QSI Behavioral Status Subscale (Questions 25-30), multiplied by 0.4954;
- (j) If the client individual resides in the family home, the sum of the scores on the client individual questions in the QSI Functional Status Subscale (Questions 14-24), multiplied by 0.6349;
- (k) If the client individual resides in supported or independent living, the sum of the scores on the client individual questions in the QSI Functional Status Subscale (Questions 14-24), multiplied by 2.0529;
- (l) If the client individual resides in supported or independent living, the sum of the scores on the client individual questions in the QSI Behavioral Status Subscale (Questions 25-30), multiplied by 1.4501;
- (m) The client’s individual’s score on QSI Question 16, multiplied by 2.4984;
- (n) The client’s individual’s score on QSI Question 18, multiplied by 5.8537;
- (o) The client’s individual’s score on QSI Question 20, multiplied by 2.6772;
- (p) The client’s individual’s score on QSI Question 21, multiplied by 2.7878;

(q) The ~~client's individual's~~ score on QSI Question 23, multiplied by 6.3555;

(r) The ~~client's individual's~~ score on QSI Question 28, multiplied by 2.2803;

(s) The ~~client's individual's~~ score on QSI Question 33, multiplied by 1.2233;

(t) The ~~client's individual's~~ score on QSI Question 34, multiplied by 2.1764;

(u) The ~~client's individual's~~ score on QSI Question 36, multiplied by 2.6734; and;

(v) The ~~client's individual's~~ score on QSI Question 43, multiplied by 1.9304.

(3) The squared result of the sum of the applicable values of paragraphs (2)(a) through (v), above, then apportioned according to available funding, is the ~~client's individual's~~ Allocation Algorithm Amount.

(4) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History—New 7-7-16, Amended \_\_\_\_\_.

65G-4.0215 General Provisions.

(1) Medical necessity alone is not sufficient to authorize a service under the ~~W~~waiver; in addition:

(a) With the assistance of the WSC, the ~~client individual~~ must utilize all available State Plan Medicaid services, school-based services, private insurance, natural supports, and any other resources ~~that which~~ may be available to the ~~client individual~~ before expending funds from the ~~client's individual's~~ iBudget Amount for support or services. As an example, State Plan Medicaid services for children under the age of 21 typically include; personal care assistance, therapies, consumable medical supplies, medical services, and nursing;

(b) The services must be within ~~W~~waiver coverages and limitations; and;

(c) The cost of the services must be within the Allocation Algorithm Amount unless there is a significant additional need demonstrated.

Failure to meet the above criteria shall result in a denial of a request for additional funding.

(2) WSCs shall coordinate with the ~~clients individuals~~ they serve to ensure that services are selected from all available resources to keep the annual cost of services within the ~~client's individual's~~ iBudget Amount while maintaining the ~~client's individual's~~ health and safety.

(3) Prior to authorizing new or increased services or at the time of a medical necessity review, the Agency must certify and document within the client's cost plan that the client has used all available services authorized under the Medicaid State Plan; school-based services; private insurance; local, state, and

federal government and non-government programs or services; natural or community supports; and any other benefit or resource that may be available to the client before using funds from the iBudget to pay for supports and services.

(a) The iBudget Waiver is the payer of last resort.

(b) A valid and accurate Certification form is a condition precedent to the authorization of services. As part of the certification process, the WSC must complete and submit the Certification of Available Services form to the Agency:

1. At the time of any requests to add or increase services,  
or

2. Upon request from the Agency when it is making determinations of medical necessity for Waiver services.

(4)(3) Cost Plan Flexibility.

(a) After the ~~client's individual's~~ proposed cost plan is approved, he or she may change the services in his or her Approved Cost Plan provided that such change does not jeopardize the health and safety of the ~~client individual~~ and meets medical necessity.

(b) When changing the services within the Approved Cost Plan, the ~~client individual~~ and his or her WSC shall ensure that sufficient funding remains allocated for unpaid services that were authorized and rendered prior to the effective date of the change.

(c) ~~Clients Individuals~~ enrolled in iBudget will have flexibility and choice to budget or adjust funding among the following services without requiring additional authorizations from the Agency, provided the ~~client's individual's~~ overall iBudget Amount is not exceeded and all health and safety needs are met:

1. Life Skills Development 1,
2. Life Skills Development 2,
3. Life Skills Development 3, within the approved ratio,
4. Durable Medical Equipment,
5. Adult Dental,
6. Personal Emergency Response Systems,
7. Environmental accessibility adaptations,
8. Consumable Medical Supplies,
- 9 Transportation,
10. Personal Supports up to \$16,000,
11. Respite up to \$10,000.

(d) Medically necessary services will be authorized by the Agency for covered services not listed above if the cost of such services are within the ~~client's individual's~~ iBudget Amount and in accordance with subsection 65G-4.0215(1), F.A.C. The Agency shall authorize services in accordance with criteria identified in section 393.0662(1)(b), F.S., medical necessity requirements of section 409.906, F.S., subsection 59G-1.010(166), F.A.C., Handbook limitations, and the authority under Title Rule 42 of the Code of Federal Regulations CFR, Part 440-, Section 230(d).

~~(e)(d)~~ Retroactive application of changes to service authorizations is prohibited without written approval from the agency. In limited circumstances, an exception may be made for a retroactive service authorization by the Agency regional office to correct an administrative error or to consider a health and safety risk and emergency situations.

~~(f)(e)~~ Service authorization and any modifications to it must be received by the provider prior to service delivery. This includes changes to the authorization as a result of clients individuals redistributing funds within their existing cost plan.

~~(5)(4)~~ Consumer Directed Care Plus (CDC+): clients individuals enrolled in the CDC+ program are subject to iBudget rule 65G-4.0214, subsections 65G-4.0215(1), (2) and ~~(7)(6)~~, and rules 65G-4.0216, 65G-4.0217, 65G-4.0218, F.A.C.

~~(6)(5)(a)~~ iBudget Waiver providers must have applied through the Agency for Persons with Disabilities to ensure that they meet the minimum qualifications to provide iBudget Waiver services. iBudget Waiver providers must also be enrolled as a Medicaid provider through the Agency for Health Care Administration. However, providers do not have to provide Medicaid State Plan services in order to provide Wwaiver services.

~~(b)~~ To enroll as a provider for iBudget Waiver sServices, the provider must first submit an application to the Agency or Persons with Disabilities using the Regional iBudget Provider Enrollment Application – Waiver Support Coordinator (WSC) – APD Form 65G-4.0215 A 2015-02, effective date ~~\_\_\_\_\_~~ 7-1-2015, for Wwaiver Support Coordinator applications, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07073>, or the Regional iBudget Provider Enrollment Application – Non-WSC – APD Form 65G-4.0215 B 2015-03, effective date ~~\_\_\_\_\_~~ 7-1-2015, for all other provider applications, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07074>. These forms are hereby incorporated by reference. ~~On the application providers must identify the counties where they intend to provide services.~~

~~(c)~~ The Agency for Persons with Disabilities will review the application, request missing documentation, and issue a decision about whether the provider meets the qualifications to provide services. The Agency for Persons with Disabilities must may close the application if missing information is not provided within 45 calendar days of the request by the Agency. The qualifications to provide services are identified in the Handbook.

~~(d)(b)~~ If a Wwaiver provider wishes to, expand by providing additional services, expand services geographically, or expand from solo to agency, the provider must notify the Agency regional office by submitting a Provider Expansion Request form – APD Form 65G-4.0215 C 2015-04, effective

date \_\_\_\_\_ 8-20-2013, which is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07076>.

The Agency regional office must approve any expansion prior to the provision of expanded services. ~~Before the Agency regional office approves a provider for expansion, the Agency regional office must determine that the provider meets the provider qualifications and has:~~ The qualifications to provide or expand services are identified in the Handbook.

- ~~1. An 85% or higher on their last Quality Assurance Organization (QIO) report. If a provider does not have a history of a QIO review, this does not prevent consideration for expansion;~~
- ~~2. No identified alerts (i.e., background screening, medication administration, and validation);~~
- ~~3. No unresolved billing discrepancies or plan of remediation;~~
- ~~4. No adverse performance history relating to the health and safety of individuals served; and;~~
- ~~5. No open investigations or referrals to the Agency for Health Care Administration (AHCA) and the Department of Children and Families (DCF).~~

~~Agency staff shall check with the provider's home regional office to determine whether there is a history of complaints filed and logged on the remediation tracker, any open investigations or referrals to AHCA's Medicaid Program Integrity (MPI) or the Attorney General's Medicaid Fraud Control Unit (MFCU), or DCF. The Agency shall make the determination required under this paragraph in not more than 90 days.~~

~~(7)(6)(a)~~ When a client an individual is enrolled in the iBudget, that client individual remains enrolled in the Wwaiver position allocated unless the client individual becomes disenrolled due to one of the following conditions:

1. The client individual or client's legal individual's representative chooses to terminate participation in the Wwaiver.
2. The client individual moves out-of-state.
3. The client individual loses eligibility for Medicaid benefits and this loss is expected to extend for a lengthy period.
4. The client individual no longer needs Wwaiver services.
5. The client individual no longer meets level of care for admission to an ICF/IID.
6. The client individual no longer resides in a community-based setting but moves to a correctional facility, detention facility, defendant program, or nursing home or resides in a setting not otherwise permissible under Wwaiver requirements.
7. The client individual is no longer able to be maintained safely in the community.

If a client an individual is disenrolled from the Wwaiver and becomes eligible for reenrollment within 365 days that client individual can return to the Wwaiver and resume

receiving Wwaiver services. If Wwaiver eligibility cannot be re-established or if the client individual who has chosen to disenroll has exceeded this time period, the client individual cannot return to the Wwaiver until a new Wwaiver vacancy occurs and funding is available. In this instance, the client individual is added to the Waiting List waitlist of clients individuals requesting Wwaiver participation. The new effective date is the date eligibility is re-established or the client individual requests re-enrollment for Wwaiver participation.

(b) Providers are responsible for notifying the client's individual's WSC and the Agency if the provider becomes aware that any of the conditions of paragraph (a) or (c), exists.

(c) If a client an individual, family member, or legal individual representative refuses to cooperate with the provision of Wwaiver services in any of the following ways: develop a cost plan or support plan, participate in a required QSI assessment or other approved Agency needs assessment tool, or refuse to annually sign the Wwaiver eligibility worksheet that establishes a level of care, then the Agency will review the circumstances to determine if the client individual should be removed from the Wwaiver for failing to comply with specific eligibility requirements. Any such decision by the Agency shall provide written notice to the client individual, the client's legal individual's representative and the WSC, at least 30 days before terminating services.

(d) Clients Individuals denied services shall have the right to a fair hearing. Clients Individuals are exempted from this provision if they do not have the ability to give informed consent and do not have a legal guardian or individual representative. The Agency shall not remove a client an individual from the Wwaiver due to non-compliance if it directly impacts the client's individual's health, safety, and welfare.

(8) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority ~~420.60(1)~~, 393.501(1), 393.0662 FS. Law Implemented ~~420.60(1)~~, 393.0662, 409.906 FS. History--New 7-7-16, Amended 9-12-18, \_\_\_\_\_.

65G-4.0216 Establishment of the iBudget Amount.

(1) The iBudget Amount for a client an individual shall be the Allocation Algorithm Amount, as provided in rule 65G-4.0214, F.A.C., plus any approved Significant Additional Needs funding as provided in rule 65G-4.0218, F.A.C.

(2) The Agency will determine the iBudget Amount consistent with the criteria and limitations contained in the following provisions: sections 409.906 and 393.0662, F.S.; and rules 59G-13.080, 59G-13.081, and 59G-13.070, F.A.C.

(3) Significant Additional Needs Review: ~~Each~~

(a) The first time the an Allocation Algorithm Amount is calculated, the WSC will discuss the Allocation Algorithm Amount with the client individual, or client's legal individual's representative and, if applicable, the client advocate, in order to determine if the client individual has any Significant Additional Needs.

(b) The WSC shall discuss the services requested with the client or the client's legal representative.

(c) The Agency will conduct a Client an individual Review to determine whether services requested meet health and safety needs and waiver coverage and limitations. The AIM Worksheet form ~~APD-2015-01~~ must be completed as part of the Client Individual Review and submitted to the Agency within 30 days of receipt of the new Allocation Algorithm Amount.

(d) The Agency will issue a decision of the iBudget Amount within 30 days of receipt of the AIM Worksheet form. The client individual or their legal representative will be advised of the Agency's decision for the amount of the client's individual's final iBudget Amount within 30 days.

1. If additional documentation is requested, the deadline for the Agency's response shall be extended to 60 days following the receipt of the original request. In the event a WSC does not submit a request for SANs and the individual, the individual's representative or the client advocate disagrees with the WSC's failure to submit a SAN funding request, or if the individual or the individual's representative or client advocate are unsatisfied with the request submitted, the individual or the individual's representative may submit the SANs request to the applicable Agency regional office.

2. The Certification of Available Services Form is a material part of the request form. Failure to include the Certification Form is a basis for denial.

(e) The Agency shall approve an increase to the iBudget Amount if additional funding is required to meet the Significant Additional Needs subject to the provisions of the iBudget rules. The Agency, upon completion of its review shall notify in writing the client individual, the WSC, and the client advocate, if any, of its decision.

(4) After the iBudget Amount is established, if a client remains in the same living setting and experiences a significant change in condition or circumstances where the proposed needs cannot be met within the current iBudget Amount, the WSC shall request services through the significant additional needs process without the calculation of a new algorithm or the completion of the AIM Worksheet.

~~(5)~~(4) iBudget Amounts are pro-rated as appropriate based on the length of time remaining in the fiscal year.

~~(6)~~(5) The Agency shall ensure that the sum of all clients' projected expenditures do not exceed the Agency's annual appropriation.



(7) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662, 409.906 FS. History—New 7-7-16, Amended \_\_\_\_\_.

65G-4.0217 iBudget Cost Plan.

(1) When a client's ~~an individual's~~ iBudget Amount is determined, the WSC must submit a cost plan proposal, which includes a completed Certification of Available Services form, that reflects the specific Wwaiver services and supports (paid and unpaid) that will assist the client ~~individual~~ to achieve identified goals, and the provider of those services and supports, including natural supports. The cost plan proposal is derived from person-centered planning. The Certification of Available Services form is a material part of the cost plan proposal. Failure to include the Certification of Available Services form will result in a denial of the cost plan.

(2) The WSC shall provide documentation for requested services as specified in Section C of the WSC Cost Plan and Significant Additional Needs Job Aid to document medical necessity and compliance with Handbook coverage and limitations.

~~(3)~~(2) Each client's ~~individual's~~ proposed iBudget cost plan shall be reviewed and approved by the Agency in conformance with the iBudget Rules and the Handbook. Any conflict between the Handbook and these iBudget Rules shall be resolved in favor of these rules.

~~(4)~~(3) For a client ~~an individual~~ to begin receiving a specific Wwaiver service, that service must have been listed in an Approved Cost Plan and the service authorization must have been issued to the provider prior to the delivery of service.

~~(5)~~(4) Clients ~~Individuals~~ must budget their funds so that their needs are met throughout the plan year. All clients ~~individuals~~ shall allocate iBudget funding each month for Wwaiver support coordination services, which is a required service under the Wwaiver.

(6) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

65G-4.0218 Significant Additional Need Funding.

(1) Supplemental funding for Significant Additional Needs (SANs) may be of a one-time, temporary, or long-term in nature, ~~including the loss of Medicaid State Plan or school system services due to a change in age. SANs funding requests must be based on at least one of the four categories, as follows:~~

~~(a) An extraordinary need that would place the health and safety of the client, the client's caregiver, or the public in immediate, serious jeopardy unless the increase is approved. An extraordinary need may include, but is not limited to:~~

~~1. A documented history of significant, potentially life-threatening behaviors, such as recent attempts at suicide, arson, nonconsensual sexual behavior, or self-injurious behavior requiring medical attention;~~

~~2. A complex medical condition that requires active intervention by a licensed nurse on an ongoing basis that cannot be taught or delegated to a nonlicensed person;~~

~~3. A chronic comorbid condition. As used in this subparagraph, the term "comorbid condition" means a medical condition existing simultaneously but independently with another medical condition in a patient, or~~

~~4. A need for total physical assistance with activities such as eating, bathing, toileting, grooming, personal hygiene, lifting, transferring or ambulation.~~

~~However, the presence of an extraordinary need alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.~~

~~(b) A significant need for one-time or temporary support or services that, if not provided, would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy, unless the increase is approved. A significant need may include, but is not limited to, the provision of environmental modifications, durable medical equipment, services to address the temporary loss of support from a caregiver, or special services or treatment for a serious temporary condition when the service or treatment is expected to ameliorate the underlying condition. As used in this subparagraph, the term "temporary" means a period of fewer than 12 continuous months. However, the presence of such significant need for one-time or temporary supports or services alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.~~

~~(c) A significant increase in the need for services after the beginning of the service plan year that would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy because of substantial changes in the client's circumstances, including, but not limited to, permanent or long-term loss or incapacity of a caregiver, loss of services authorized under the state Medicaid plan due to a change in age, or a significant change in medical or functional status which requires the provision of additional services on a permanent or long term basis that cannot be accommodated within the client's current iBudget. As used in this subsection, the term "long term" means a period of 12 or more continuous months. However, such significant increase in need for services of a permanent or long term nature alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.~~

~~(d) A significant need for transportation services to a waiver funded adult day training program or to a waiverfunded supported employment where such need cannot be~~

~~accommodated within the funding authorized by the client's iBudget amount without affecting the health and safety of the client, where public transportation is not an option due to the unique needs of the client, and where no other transportation resources are reasonably available. However, such increases may not result in the total of all clients' projected annual iBudget expenditures exceeding the agency's appropriation for waiver services.~~

(2) The presence of a significant additional need or significant change in condition or circumstance alone does not warrant an increase in the amount of funds allocated to a client's iBudget as determined by the algorithm.

~~(3)(2) A client's annual expenditures for home and community-based services Medicaid Wwaiver services may not exceed the limits of his or her iBudget. The total of all clients' projected annual iBudget expenditures may not exceed the Agency's appropriation for Wwaiver services.~~

(4) SANs can only be approved after the determination of a client's initial allocation amount and after the WSC has documented the availability of non-Waiver resources on the Certification of Available Services form, and requires:

(a) The client to have a significant additional need as defined in this chapter; and

(b) The significant additional need is not created by the client's failure to ensure that funding remained sufficient to cover services previously authorized in accordance with subsections 65G-4.0215(2) and (4), F.A.C.

~~(5)(3) For any SANs request, Tthe WSC shall submit a SANs request eost plan proposal that reflects the specific Wwaiver services and supports (paid and unpaid) that will assist the client individual to meet achieve identified needs, goals, and the provider of those services and supports, including natural supports, with all required supporting documentation as specified in the WSC Job Aid for Cost Plans and Significant Additional Needs Documentation. The request should also include an explanation of why additional funding is needed, and any additional documentation appropriate to support the request. If there are any concerns about the accuracy of the QSI results the WSC shall submit this information as well. The documentation identified in the WSC Job Aid is material to the SANs requests. The Agency must close or deny the SANs request without such documentation.~~

(a) The SANs request eost plan proposal shall be submitted indicating how the current budget allocation and requested SANs funds would be used. The request should also include an explanation of why additional funding is needed, and any additional documentation appropriate to support the request.

(b) Documentation of attempts within the last 30 days prior to submitting the SANs request to locate natural or community

supports, third-party payers, or other sources of support to meet the client's individual's health and safety needs must also be certified by the WSC on the Certification of Available Services form submitted.

(c) If there are any concerns about the accuracy of the QSI results, the WSC shall submit this information as well.

~~(6)(4) If a client's an individual's iBudget Amount includes Significant Additional Needs beyond what was determined by the Allocation Algorithm, and the Agency determines that the service intensity, frequency or duration of the service(s) is no longer medically necessary, the Agency will adjust the client's individual's services to match the current need.~~

(7)(a) The Agency will not consider incomplete SANs requests due to lacking material information to determine whether SANs criteria are met. A SANs request is incomplete if it does not:

1. Provide detail of the client's current approved services, including the number and type of units and dollar amount for each service. The client to staff ratio, if applicable, must also be included;

2. Clearly indicate whether the current approved services are requested to continue on an annualized basis;

3. Clearly identify any new or increased services being requested in the current fiscal year and on an annualized basis, if applicable to that service type;

4. Include a complete Certification of Available Services Form;

5. Include documentation to support the information provided in the Certification of Available Services Form, or identify the location of the currently valid documentation in the designated data management system;

6. Place the request in the proper status for submission in the designated data management system; or

7. Include certification that the request meets the criteria for SANs.

(b) The Agency shall close incomplete SANs requests upon receipt.

~~(8)(5) The Agency will request the documentation and information necessary to evaluate a client's an individual's increased funding requests based on the client's individual's needs and circumstances. The documentation will vary according to the funding request and may include the following as applicable: support plans, results from the Questionnaire for Situational Information, cost plans, expenditure history, current living situation, interviews with the client individual and his or her providers and caregivers, prescriptions, data regarding the results of previous therapies and interventions, assessments, and provider documentation. Paragraphs (a) through (c), set forth examples of the types of documentation the Agency utilizes in reviewing SANs funding requests in specific circumstances.~~

~~(a) For an extraordinary need that would place the health and safety of the client, the client's caregiver, or the public in immediate, serious jeopardy unless the increase is approved:~~

~~1. A documented history of significant, potentially life-threatening behaviors, such as recent attempts at suicide, arson, nonconsensual sexual behavior, or self injurious behavior requiring medical attention:~~

- ~~a. Psychological assessments/Psychiatric reports.~~
- ~~b. Baker Act admission and discharge summaries for last 12 months.~~
- ~~c. Behavior assessments, plans and data for last 12 months.~~
- ~~d. If school aged, current IEP, school behavior plan and data.~~

~~e. If under 21—a description of behavior services accessed or attempted through the Medicaid State Plan.~~

~~f. Incident Reports, policy reports within the last 12 months.~~

~~g. Behavior Summary Report from the Area Behavior Analyst.~~

~~2. A complex medical condition that requires active intervention by a licensed nurse on an ongoing basis that cannot be taught or delegated to a non-licensed person:~~

- ~~a. Supporting documentation from physician, or others that document the medically necessary situation.~~
- ~~b. Prescription by a physician, ARNP or physician assistant.~~
- ~~c. List of specific duties to be performed.~~
- ~~d. Nursing care plan (if applicable).~~
- ~~e. Documentation from Skilled Nursing Exception Process (if applicable).~~

~~3. A chronic comorbid condition. The term comorbid condition means a medical or mental health condition existing simultaneously but independently with another medical or mental health condition in a patient:~~

~~Supporting documentation from physician, or others that document the medically necessary situation.~~

~~4. A need for total physical assistance with activities such as eating, bathing, toileting, grooming, personal hygiene, lifting, transferring or ambulation.~~

- ~~a. Updated QSI.~~
- ~~b. Documentation from caregivers.~~

~~(b) For a significant need for one time or temporary support or services that, if not provided, would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy, unless the increase is approved. A significant need includes, but is not limited to:~~

- ~~1. The provision of environmental modifications:~~
  - ~~a. Documentation of approval from landlord, if home is rented.~~
  - ~~b. Documentation of ownership of the home by the client or their family.~~

- ~~c. The appropriate number of bids per the Handbook.~~
- ~~d. Home Accessibility Assessment if over \$3,500.~~
- ~~e. Documentation of how environmental modifications would ameliorate the need.~~

~~2. Durable Medical Equipment:~~

- ~~a. Prescription and recommendation by a licensed physician, ARNP, physician assistant, PT or OT.~~
- ~~b. Documentation that durable medical equipment used by the client has reached the end of its useful life or is damaged, or the client's functional or physical status has changed enough to require the use of waiver funded DME that has not previously been used.~~
- ~~c. Three bids for items costing \$1,000 and over.~~

~~3. Services to address the temporary loss of support from a caregiver:~~

- ~~a. Description of why caregiver can no longer provide care.~~
- ~~b. Age and medical diagnoses of caregivers.~~
- ~~c. Documentation from doctor(s) regarding caregiver(s) ability to provide care.~~

~~4. Special services or treatment for a serious temporary condition when the service or treatment is expected to ameliorate the underlying condition. Temporary means a period of fewer than 12 continuous months.~~

~~(c) A significant increase in the need for services after the beginning of the service plan year that would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy because of substantial changes in the client's circumstances, including, but not limited to:~~

- ~~1. Permanent or long term loss or incapacity of a caregiver:~~
  - ~~a. Same criteria as subparagraph (b)3., above.~~
- ~~2. Loss of services authorized under the state Medicaid plan due to a change in age:~~
  - ~~a. Medicaid Prior Service Authorization.~~
  - ~~b. Documentation that other caregivers are not available.~~

~~3. A significant change in medical or functional status which requires the provision of additional services on a permanent or long term basis that cannot be accommodated within the client's current iBudget. As used in this subparagraph, the term "long term" means a period of 12 or more continuous months.~~

~~(9)(6) Response to funding requests: Within 30 days of receipt of a request for SANs funding, and adjustments in the client's individual's service array, the Agency shall approve, deny (in whole or in part), or request additional documentation concerning the request.~~

~~(a) If the request does not include all necessary documentation, the Agency shall provide the client and WSC with a written notice of what additional documentation is required. The client or WSC shall provide the documentation within 10 days, or notify the Agency in writing that the client~~

wishes the Agency to render its decision based upon the documentation provided.

(b) If additional documentation is requested, the deadline for the Agency’s response shall be extended to 60 days following the receipt of the original request. ~~Nothing in this section prohibits the authorization of emergency services on a temporary basis through the Agency’s Regional offices.~~ If the client has not received a notice from the Agency approving, denying or requesting additional information within 60 days, the client or WSC may notify the Agency in writing of such failure to issue a timely notice and the Agency shall have 20 days from receipt of the Notice to approve or deny the request.

(c) Failure of the Agency to issue this Notice within 20 days shall mean the requested funding for services are authorized as of the 21st day, and the client and service providers may treat the authorization as an approval.

~~(7) No additional funding for an individual’s services shall be provided if the need for the additional funding is not premised upon a need that arises after the implementation of the initial iBudget Amount, or is created by the individual’s failure to ensure that funding remained sufficient to cover services previously authorized in accordance with subsections 65G-4.0215(2) and (3), F.A.C.~~

~~(8) Individual and Family Supports (IFS) Funding to cover temporary emergency services is authorized when needed while requests for Significant Additional Needs are being processed.~~

(10) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662, 409.906 FS. History—New 7-7-16, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.:       RULE TITLE:

6A-1.0071       Fiscal Reporting Dates

PURPOSE AND EFFECT: To revise Forms ESE 348, Report of Financial Data to the Commissioner of Education, and ESE 145, Superintendent’s Annual Financial Report. The effect is that districts will have updated annual financial reporting forms.

SUMMARY: Revise forms for the school district annual financial report, incorporated by reference.

#### 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 adverse impact or regulatory cost, if any, does not exceed, nor would be expected to exceed, any one of the economic analysis criteria set forth in section 120.541(2)(a), F.S. and will not require legislative ratification. Revisions to the annual financial reporting forms, including account additions and deletions, are necessary to facilitate school district report submission to the department.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(a), 1011.01(3)(a), 1011.60(1), (5), FS.

LAW IMPLEMENTED: 1011.01(3)(a), 1011.60(1), (5), FS.

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

DATE AND TIME: November 10, 2020, 9:00 a.m.

PLACE: Miami (Location address will be posted at <http://www.fldoe.org/policy/state-board-of-edu/meetings/> at least 14 days prior)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, Florida Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)245-0351.

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

##### 6A-1.0071 Fiscal Reporting Dates.

The following dates shall apply to the fiscal reporting and budgeting process of each school district.

(1) through (2) No change.

(3) The annual financial report and all official parts thereof must be submitted to the Commissioner no later than September 11 of each year. The annual financial report is composed of the following forms: Forms ESE 348, Report of Financial Data to the Commissioner of Education (<http://www.flrules.org/Gateway/reference.asp?No=Ref->) (effective ~~December 2020~~ October 2019), and ESE 145, Superintendent’s Annual Financial Report (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), which are incorporated by reference in this rule (effective ~~December 2020~~ October 2019), and Forms ESE 374, Schedule of Maturities of Indebtedness (<http://www.flrules.org/Gateway/reference.asp?No=Ref->

06318), (effective February 2016) and ESE 523, Information Concerning Authorized Obligations Under Sections 1011.14 & 1011.15, F.S. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06319>), which are incorporated by reference in this rule (effective February 2016). These forms may be obtained from the Administrator of the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(4) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1011.01(3)(a), 1011.60(1), (5) FS. Law Implemented 1011.01(3)(a), 1011.60(1), (5) FS. History—New 9-12-72, Amended 2-13-74, 12-5-74, 5-5-75, 10-7-75, 7-22-76, 6-7-77, 1-7-81, 7-10-85, Formerly 6A-1.071, Amended 3-12-86, 10-4-88, 9-22-08, 2-1-12, 11-13-12, 11-19-13, 11-4-14, 2-9-16, 8-20-17, 11-28-18, 10-24-19,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 7, 2020

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09961  
 RULE TITLE: Graduation Requirements for Certain Students with Disabilities

PURPOSE AND EFFECT: The rule is being repealed as s. 1003.438, F.S., was repealed. Starting with the 2014-15 cohort all students have worked toward a standard high school diploma due to the repeal of the special diploma, therefore the rule is no longer needed.

SUMMARY: Since 2014-15, all students, including those with disabilities, have pursued a standard high school diploma. This has allowed those students who would have previously been considered for a special diploma to earn a standard high school diploma and provided opportunities for students to pursue options such as employment, postsecondary education, and independent living options and skills that were not previously possible with a special diploma.

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: Based upon the nature of the changes, this proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and will not require legislative ratification. No increase in regulatory costs are anticipated as a result of the rule changes.

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

RULEMAKING AUTHORITY: 1001.02(1), FS.

LAW IMPLEMENTED: 1003.438, FS.

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

DATE AND TIME: November 10, 2020, 9:00 a.m.

PLACE: Miami (Location address will be posted at <http://www.fldoe.org/policy/state-board-of-edu/meetings/> at least 14 days prior)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Judith White, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0475.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09961 Graduation Requirements for Certain Students with Disabilities

Rulemaking Authority 1001.03(1), 1003.438 FS. Law Implemented 1003.02(1)(a), 1003.438 FS. History—New 10-31-88, Amended 6-14-94, Formerly 6A-1.0996, Amended 10-11-99, Repromulgated 1-25-00, Formerly 6-1.0996. Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judith White, Bureau of Exceptional Education and Student Services.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2020

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NOS:      RULE TITLES:

69W-200.001    Definitions

69W-200.002    General Industry Standards Incorporated by Reference

**PURPOSE AND EFFECT:** The purpose and effect is to amend the existing rules to incorporate by reference the current versions of general industry standards and update cross-references and to incorporate by reference SEC Rule 17a-14 (17 C.F.R. §240.17a-14).

**SUMMARY:** The proposed amended rules incorporate by reference the current versions of the general industry standards, incorporate Form CRS (17 C.F.R. §240.17a-14) (current as of 7-17-20), and update cross-references.

**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:** 517.03, 517.1215, 517.1217 FS.

**LAW IMPLEMENTED:** 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.1215, 517.1217, 517.161 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:** Ryann White, Division of Securities (850)410-9803, Ryann.White@flofr.com

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

69W-200.001 Definitions.

As used in the Rules and Regulations of the Financial Services Commission and Office of Financial Regulation, pursuant to chapter 517, F.S., unless the context otherwise specifically requires:

(1) through (7) No change.

(8)(a) Except as otherwise provided in this subsection, the term “Branch Office” shall mean any location in this state of a dealer or investment adviser at which one or more associated persons regularly conduct the business of rendering investment advice or effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security or any location that is held out as such. Pursuant to section 517.021(4), F.S., the Financial Services Commission may adopt exceptions to this definition. The following locations shall not be deemed branch offices for purposes of section 517.12(5), F.S., and are considered exceptions to the definition of a branch office under section 517.021(4), F.S.:

1. No change.
2. Any location that is the associated person’s primary residence; provided that:
  - a. through d. No change.
  - e. The associated person’s correspondence and communications with the public are subject to the firm’s supervision in accordance with ~~FINRA~~ ~~NASD~~ Rule ~~3110~~ ~~3010~~, as incorporated in rule 69W-200.002, F.A.C.;
  - f. through i. No change.
3. through 9. No change
- (b) through (c) No change.
- (9) through (30) No change.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended 5-15-07, 9-30-10, 11-11-13, 9-22-14, 11-15-16, \_\_\_\_\_.

69W-200.002 General Industry Standards Incorporated by Reference.

The following general industry standards as expressed in the statutes, rules and regulations of the various federal and self-regulatory agencies and regulatory associations and referenced in Division 69W, F.A.C., are hereby incorporated by reference and adopted by this rule. The material incorporated by reference in this rule may also be obtained from the Florida Office of Financial Regulation (Office), Division of Securities’ website at <http://www.flofr.com/sitePages/MaterialsDS.htm>, except where noted for copyright restrictions. Materials subject to copyright restrictions may be inspected and examined by contacting the Florida Office of Financial Regulation, Division of Securities, at 200 E. Gaines Street, Tallahassee, Florida 32399, (850)487-9687 or the Florida Department of State at 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6500.

(1) through (15) No change.

(16) Regulation A (17 C.F.R. §§230.251 through 230.263) (~~4-1-19~~ ~~4-1-18~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref->

~~XXXXX.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11289>.~~

~~(17) through (18) No change.~~

~~(19) SEC Rule 701 (17 C.F.R. §230.701) (4-1-19 4-1-13 edition), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04530>.~~

~~(20) through (25) No change.~~

~~(26) SEC Rules 15c2-1, 15c2-4, 15c2-5, 15c2-7, 15c2-8, 15c2-11, and 15c2-12 (17 C.F.R. §§240.15c2-1, 240.15c2-4, 240.15c2-5, 240.15c2-7, 240.15c2-8, 240.15c2-11, and 240.15c2-12) (4-1-19 4-1-18 edition), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11292>.~~

~~(27) SEC Rule 15c3-1 and appendices (17 C.F.R. §§240.15c3-1 (7-7-14); 17 C.F.R. §240.15c3-1a; (7-7-14); 17 C.F.R. §240.15c3-1b; (8-9-84); 17 C.F.R. §240.15c3-1c; (12-2-92); 17 C.F.R. §240.15c3-1d; (6-5-08); 17 C.F.R. §240.15c3-1e; (7-7-14); 17 C.F.R. §240.15c3-1f; (7-7-14); 17 C.F.R. §240.15c3-1g (7-7-14)), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04571>.~~

~~(28) through (29) No change.~~

~~(30) SEC Rules 17a-3 and 17a-4 (17 C.F.R. §§240.17a-3 and 240.17a-4) (current as of 7-7-20 4-1-14 edition), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04568>.~~

~~(31) No change.~~

~~(32) SEC Rules Rule 17a-11 and 17a-14 (17 C.F.R. §§240.17a-11 and 240.17a-14) (current as of 7-17-20 6-1-14), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04572>.~~

~~(33) No change.~~

~~(34) Regulation M (17 C.F.R. §§242.100 through 242.105) (4-1-19 4-1-14 edition), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04542>.~~

~~(35) Regulation SHO (17 C.F.R. §§242.200 through 242.203) (4-1-19 4-1-14 edition), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04559>.~~

~~(36) through (37) No change.~~

(38) SEC Rules 204-1, 204-2, 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1, 206(4)-3 (17 C.F.R. §§275.204-1; ~~17 C.F.R. §275.204-2; 17 C.F.R. §275.204-3; 17 C.F.R. §275.205-1; 17 C.F.R. §275.205-2; 17 C.F.R. §275.205-3; 17 C.F.R. §275.206(3)-1; 17 C.F.R. §275.206(3)-2; 17 C.F.R. §275.206(4)-1; 17 C.F.R. §275.206(4)-3~~) (current as of 7-8-20 4-1-18 edition), accessible at

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11295>.~~

~~(39) No change.~~

~~(40) FINRA Rules Rule 1020 and 1240 (existing as of 6-26-20 2-22-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11296>.~~

~~(41) FINRA Rule 2000 Series (2010 through 2370) (existing as of 6-24-20 3-8-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11297>.~~

~~(42) FINRA Rule 3000 Series (3110 through 3310) (existing as of 6-24-20 3-8-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11298>.~~

~~(43) FINRA Rule 4000 Series (4110 through 4590) (existing as of 6-24-20 3-8-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11299>.~~

~~(44) FINRA Rule 5000 Series (5110 through 5350) (existing as of 6-24-20 3-8-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11300>.~~

~~(45) FINRA Rule 6000 Series (6110 through 6898) (existing as of 6-25-20 3-8-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11301>.~~

~~(46) FINRA Rule 7000 Series (7110 through 7730) (existing as of 6-25-20 3-8-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11302>.~~

~~(47) FINRA Rule 11000 Series (11100 through 11900) (existing as of 6-26-20 3-8-19), accessible at~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11303>.~~

~~(48) NASD Conduct Rules 2340 and 2510 (existing as of 3-8-19), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11304>.~~

~~(49) NASD Conduct Rules 3140, 3150, and IM 3150 (existing as of 3-8-19), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11305>.~~

~~(48) (50) MSRB Definitional Rules D-1 to D-15, and General Rules G-1 to G-48 (existing as of 10-1-19 40-1-18), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11306>.~~

~~(49)(51) NYSE American Rule 341A (existing as of 3-11-19), available for inspection at the Office due to copyright restrictions.~~

~~(50)(52) NYSE Rule 345A (existing as of 3-10-19), available for inspection at the Office due to copyright restrictions.~~

~~(51)(53) NYSE Rules 412 and 435 (existing as of 2-21-19), available for inspection at the Office due to copyright restrictions.~~

~~(52)(54) NYSE Chicago Inc. Article 6, Rule 11 (existing as of 3-11-19), available for inspection at the Office due to copyright restrictions.~~

~~Rulemaking Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.081, 517.12(4), 517.1215, 517.1217, 517.161(1) FS. History—New 9-22-14, Amended 5-6-15, 11-26-19, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Alisa G. Goldberg, Director, Division of Securities  
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: July 28, 2020

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.:           RULE TITLE:  
69W-500.010   Recognized Manuals of Securities  
PURPOSE AND EFFECT: The purpose and effect is to amend the existing rule to remove securities manuals published by Standard & Poor’s Financial Services LLC from the list of recognized securities manuals.  
SUMMARY: The proposed amended rule removes securities manuals published by Standard & Poor’s Financial Services LLC from the list of recognized securities manuals.  
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: 517.03(1) FS.

LAW IMPLEMENTED: 517.061(20)(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: Ryann White, Division of Securities (850)410-9803, Ryann.White@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-500.010 Recognized Manuals of Securities.

The following publications are hereby approved as recognized securities manuals: Securities manuals published by Mergent, Inc., ~~and all commonly recognized formats of Mergent’s Manuals, including CD-ROM and electronic dissemination over the Internet and securities manuals published by Standard & Poor’s Financial Services LLC.~~

Rulemaking Authority 517.03(1) FS. Law Implemented 517.061(20)(d) FS. History—(Formerly 3E-20.21), New 9-20-82, Formerly 3E-500.10, Amended 7-31-91, 5-10-00, Formerly 3E-500.010, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Alisa G. Goldberg, Director, Division of Securities  
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: July 28, 2020



**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NOS.:	RULE TITLES:
69W-600.001	Application for Registration as a Dealer (FINRA)
69W-600.0012	Application for Registration as a Dealer (Non-FINRA)
69W-600.0013	Application for Registration as an Issuer/Dealer
69W-600.0015	Canadian Dealer Notice-Filing
69W-600.0016	Application for Registration as an Investment Adviser (State Registered)
69W-600.0017	Notice-Filing for Federal Covered Advisers
69W-600.0019	Registration of Florida Intrastate Crowdfunding Intermediaries
69W-600.002	Application for Registration as Associated Person (FINRA Dealer)
69W-600.0022	Application for Registration as an Associated Person (Non-FINRA Dealer)
69W-600.0023	Application for Registration as an Associated Person (Issuer/Dealer)
69W-600.0024	Application for Registration as an Associated Person (Investment Adviser and Federal Covered Advisor)
69W-600.013	Prohibited Business Practices for Dealers and Their Associated Persons
69W-600.0131	Prohibited Business Practices for Investment Advisers and Their Associated Persons
69W-600.0132	Custody Requirements for Investment Advisers
69W-600.014	Books and Records Requirements

**PURPOSE AND EFFECT:** The purpose and effect is to amend the existing rules to incorporate by reference the current versions of forms and other materials incorporated by reference, to make a violation of SEC Rule 17a-14 (17 C.F.R. §240.17a-14) a prohibited business practice for dealers, to clarify investment adviser record requirements, to replace the terms “representative” and “investment adviser representative” for consistency, to clarify the grandfathering provisions of the exam requirements for the registration of investment advisers and their associated persons, to grant applicants for registration under chapter 517, Florida Statutes, an additional 30 days to submit requested information, to allow the Office to abandon an application if an applicant fails to provide timely additional information, and to remove duplicative language authorizing the Office to request certified documentation.

**SUMMARY:** The proposed amended rules incorporate by reference the current versions of forms and other materials incorporated by reference, make a violation of SEC Rule 17a-14 (17 C.F.R. §240.17a-14) a prohibited business practice for dealers, clarify investment adviser record requirements, replace the terms “representative” and “investment adviser representative” for consistency, clarify the grandfathering

provisions of the exam requirements for the registration of investment advisers and their associated persons, grant applicants for registration under chapter 517, Florida Statutes, an additional 30 days to submit requested information, allow the Office to abandon an application if an applicant fails to provide timely additional information, and remove duplicative language authorizing the Office to request certified documentation.

**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:** 517.03(1), 517.12, 517.1201, 517.121, 517.1215, 517.1217, 517.1611, FS.

**LAW IMPLEMENTED:** 517.081, 517.12, 517.1201, 517.121, 517.1215, 517.1217, 517.161, 517.1611, 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:** Ryann White, Division of Securities (850)410-9803, Ryann.White@flofr.com

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

69W-600.001 Application for Registration as a Dealer (FINRA).

(1) New Applications.

(a) No change

(b) An application shall include the following:

1. through 2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer (Form U4) (05/2009), to register at least one principal as set forth in this rule. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>~~.

In conjunction with filing its Form BD with the Office, the dealer shall provide the Office written notification of the principal's name and CRD number or social security number,

4. through 7. No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any.~~ Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) through (5) No change.

(6) Examinations/Qualifications Requirements.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person ~~a representative~~ was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person ~~a representative~~ within four years from the date of their last registration;

b. Individuals who registered as an associated person ~~representatives~~ prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(7) through (8) No change.

(9) Termination of Registration as Dealer, Principal or Agent, or Notification of Branch Office.

(a) through (b) No change.

(c) The forms to be utilized for providing notice to the Office under paragraph (9)(a) are:

1. through 2. No change.

3. Uniform Termination Notice for Securities Industry Registration (Form U5) (05-09). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>.

(10) through (11) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06, 5-15-07, 11-22-10, 10-29-12, 11-11-13, 12-29-15, 11-26-19, \_\_\_\_\_.

69W-600.0012 Application for Registration as a Dealer (Non-FINRA).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. and 2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer (Form U4) (05/2009), to register at least one principal as set forth in this rule. The Form U4 is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.

In conjunction with filing its Form BD with the Office, the dealer shall provide the Office written notification of the principal's name and social security number. Social security numbers are collected by the Office pursuant to Section 517.12(7)(a), F.S., and are used to verify the identity of individuals;

4. and 7. No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or~~

~~ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, “certified” means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.~~

(3) through (5) No change.

(6) Examinations/Qualifications Requirements.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person a representative was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person a representative within four years from the date of their last registration;

b. Individuals who registered as an associated person representatives prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(7) through (8) No change.

(9) Termination of Registration as Dealer, Principal or Agent, or Notification of Branch Office.

(a) through (b) No change.

(c) The forms to be utilized for providing notice to the Office under paragraph (9)(a), and which are hereby incorporated by reference are:

1. through 2. No change.

3. Uniform Termination Notice for Securities Industry Registration (Form U5) (05-09), which is hereby incorporated by reference and is available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>. (10) through (11) No change.~~

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 11-26-19, \_\_\_\_\_.

69W-600.0013 Application for Registration as an Issuer/Dealer.

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. through 2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer (Form U4) (05/2009), to register at least one principal as set forth in this rule. The Form U4 is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.~~

In conjunction with filing its Form BD with the Office, the issuer/dealer shall provide the Office written notification of the principal’s name and social security number. Social security numbers are collected by the Office pursuant to Section 517.12(7)(a), F.S., and are used to verify the identity of individuals;

4. through 7. No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office’s review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, “certified” means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within thirty (30) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed~~

~~by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.~~

(3) through (5) No change.

(6) Examinations/Qualifications Requirements.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of an issuer/dealer shall evidence securities general knowledge by:

1. through 4. No change.

5. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person a representative was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person a representative within four years from the date of their last registration;

b. Individuals who registered as an associated person representatives prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(c) No change.

(7) through (8) No change.

(9) Termination of Registration as Issuer/Dealer, Principal or Agent, or Notification of Branch Office.

(a) through (b) No change.

(c) The forms to be utilized for providing notice to the Office under paragraphs (9)(a) and (9)(b) are:

1. through 2. No change.

3. Uniform Termination Notice for Securities Industry Registration (Form U5) (05-09), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>.~~

(10) through (11) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 11-26-19,\_\_\_\_\_.

69W-600.0015 Canadian Dealer Notice-Filing.

(1) No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original notice-filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the notice-filing. ~~The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary~~

~~history of the notice filer. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of a notice filing in accordance with the provisions of Section 120.60(1), F.S.~~

(3) through (6) No change.

Rulemaking Authority 517.03, 517.12 FS. Law Implemented 517.12 FS. History—New 5-15-07, Amended 11-22-10, 12-29-15, Amended

69W-600.0016 Application for Registration as an Investment Adviser (State Registered).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form ADV, Uniform Application for Investment Adviser Registration (~~09-19 07-17~~). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>;

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11280>;~~

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer (Form U4) to register at least one agent to designate as a principal as set forth in this rule. Form U4 (05-09) is hereby incorporated by reference and a sample form is available at

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>;~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>;~~

In conjunction with filing its Form ADV with the Office, the investment adviser shall provide the Office written notification of the principal's name and CRD number or social security number;

4. through 6. No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may~~

~~require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.~~

(3) through (5) No change.

(6) Examinations/Qualifications Requirements.

(a) No change.

(b) An individual applying to be registered as an investment adviser shall provide the Office with one of the following:

1. No change.

2. Proof of passing, within two years of the date of application for registration, the General Securities Representative Examination (Series 7), the Uniform Combined State Law Examination (Series 66), and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person a representative was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person a representative within four years from the date of their last registration;

b. Individuals who registered as an associated person representatives prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(c) Grandfathering Provisions:

1. Any individual who is or has been registered as an investment adviser or associated person of an investment adviser representative in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), within two years of the date of application for registration shall not be required to satisfy the examination requirements for continued

registration except that the Office may require additional examinations for any individual found to have violated any state or federal securities law.

2. An individual who obtained registration as an associated person of an investment adviser or a federal covered adviser in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), by such jurisdiction waiving those examination requirements, shall be required to satisfy the examination requirements of this rule. An individual who has not been registered in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), as an investment adviser or investment adviser representative within two years of the date of application for registration shall be required to comply with the examination requirements of this rule.

(d) No change.

(7) through (8) No change.

(9) Termination of Registration as an Investment Adviser, Agent, or Notification of Branch Office.

(a) through (c) No change.

(d) The forms to be utilized for providing notice to the Office under paragraphs (9)(a) and (9)(b) are:

1. No change.

2. Uniform Termination Notice for Securities Industry Registration (Form U5) (05/09). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>~~

3. No change.

(10) through (12) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 11-26-19,\_\_\_\_\_.

69W-600.0017 Notice-Filing for Federal Covered Advisers.

(1) New Notice-Filings.

(a) No change.

(b) All federal covered advisers making or amending a notice-filing in this state shall file the Form ADV, Part 1, including copies of any amendments filed or required to be filed with the SEC, and the assessment fee required by Section 517.1201(1) or (2), F.S., with the IARD in accordance with subsection (1). Form ADV (09-19 07-17) is hereby incorporated by reference, and a sample form is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11280>~~

(2) Registration of Associated Persons. All federal covered advisers who notice-file in this state and who request initial registration or amendment of an associated person of the federal

covered adviser shall file the Uniform Application for Securities Industry Registration or Transfer (Form U4) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD in accordance with Rule 69W-600.0024, F.A.C. However, responses to requests by the Office for additional information shall be filed directly with the Office. Form U4 (05/2009) is hereby incorporated by reference and a sample form is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.~~

(3) No change.

(4) Termination of Notification as Investment Adviser or Registration as Agent.

(a) through (b) No change.

(c) The forms to be utilized for providing notice to the Office under paragraphs (4)(a) and (4)(b) above, are:

1. No change.

2. Uniform Termination Notice for Securities Industry Registration (Form U5) (05/09). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>.~~

Rulemaking Authority 517.03(1), 517.1201 FS. Law Implemented 517.1201 FS. History—New 12-29-15, Amended 11-26-19, \_\_\_\_\_.

69W-600.0019 Registration of Florida Intrastate Crowdfunding Intermediaries.

(1) No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any.~~ Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result

~~in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.~~

(3) through (7) No change.

Rulemaking Authority 517.03(1), 517.12(20), 517.1611 FS. Law Implemented 517.12(20), 517.1611 FS. History—New 12-29-15, Amended \_\_\_\_\_.

69W-600.002 Application for Registration as Associated Person (FINRA Dealer).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U4 (05/2009). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.~~

2. through 5. No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any.~~ Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) through (5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person a representative was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person a representative within four years from the date of their last registration;

b. Individuals who registered as an associated person a representative prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(7) through (8) No change.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>.

(b) No change.

(10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, 11-22-10, 5-29-12, 11-11-13, 12-29-15, 9-25-18, 11-26-19, \_\_\_\_\_.

69W-600.0022 Application for Registration as Associated Person (Non-FINRA Dealer).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U4 (05/2009), which is hereby incorporated by reference and available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.

2. through 5. No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with

the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any.~~ Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) through (5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person a representative was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person a representative within four years from the date of their last registration;

b. Individuals who registered as an associated person representatives prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(7) through (8) No change.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry

Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>~~

(b) No change.

(10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19.

69W-600.0023 Application for Registration as Associated Person (Issuer/Dealer).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U4 (05/2009), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>~~

2. through 5. No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any.~~ Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) through (5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 4. No change.

5. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person a representative was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person a representative within four years from the date of their last registration;

b. Individuals who registered as an associated person representatives prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(c) No change.

(7) through (8) No change.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>~~

(b) No change.

(10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19.

69W-600.0024 Application for Registration as Associated Person (Investment Adviser and Federal Covered Adviser).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U4 (05/2009). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>~~

2. through 5. No change.



(2) Request for Additional Information. All information required by subsection (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. ~~The Office may require documentation to be certified by its issuer based upon the Office’s review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule, “certified” means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any.~~ Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) through (5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) An individual applying to be registered as an associated person of an investment adviser or federal covered adviser shall provide the Office with one of the following:

1. No change.

2. Proof of passing, within two years of the date of application for registration, the General Securities Representative Examination (Series 7), the Uniform Combined State Law Examination (Series 66), and proof of passing within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. Individuals whose registration as an associated person a representative was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person a representative within four years from the date of their last registration;

b. Individuals who registered as an associated person representatives prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(c) Grandfathering Provisions:

1. No change.

2. An individual who obtained registration as an associated person of an investment adviser or a federal covered adviser in

any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), by such jurisdiction waiving those examination requirements, shall be required to satisfy the examination requirements of this rule. An individual who has not been registered in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), as an associated person of an investment adviser or federal covered adviser within two years of the date of application for registration shall be required to comply with the examination requirements of this rule.

(d) No change.

(7) through (8) No change.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06090>.

(b) No change.

(10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19,

69W-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (g) No change.

(h) With respect to any customer, transaction or business in this state, violating any of the following:

1. Financial Industry Regulatory Authority (FINRA) rules contained in the Rule 2000 Series (Duties and Conflicts), Rule 3000 Series (Supervision and Responsibilities Relating to Associated Persons), Rule 4000 Series (Financial and Operational Rules), Rule 5000 Series (Securities Offering and Trading Standards and Practices), Rule 6000 Series (Quotation and Transaction Reporting Facilities), Rule 7000 Series (Clearing, Transaction and Order Data Requirements, and Facility Charges), or Rule 11000 Series (Uniform Practice Code); ~~or National Association of Securities Dealers (NASD) Conduct Rules contained in Rule 2340 or 2510 (Business Conduct), or Rule 3140, 3150, or IM 3150 (Responsibilities Relating to Associated Persons, Employees, and Others)~~

~~Employees~~). The foregoing rules are incorporated by reference in Rule 69W-200.002, F.A.C.

2. through 6. No change.

7. To the extent that any of the rules described in subparagraphs 1. through 6. of this section or their interpretation by the FINRA, ~~NASD~~, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling.

(i) through (o) No change.

(p) Failing to deliver a current Form CRS to any retail investor in violation of SEC Rule 17a-14 (17 C.F.R. §240.17a-14), which is incorporated by reference in Rule 69W-200.002, F.A.C.

(2) No change.

Rulemaking Authority 517.03(1), 517.1217 FS. Law Implemented 517.081, 517.1217, 517.161(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, 10-30-03, Formerly 3E-600.013, Amended 10-23-06, 1-18-09, 11-22-10, 9-22-14, 11-15-16, 11-26-19, \_\_\_\_\_.

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are prohibited business practices for investment advisers and associated persons pursuant to Section 517.1215(2), F.S., and are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) through (q) No change.

(r) Entering into, extending or renewing any investment advisory contract contrary to the provisions of Section 205 of the Investment Advisers Act of 1940, 15 U.S.C. §80b-5. This provision shall apply to all advisers and associated persons of investment advisers ~~representatives~~ registered or required to be registered under this Act, notwithstanding whether such adviser or associated person ~~representative~~ would be exempt from federal registration pursuant to Section 203(b) of the Investment Advisers Act of 1940, (15 U.S.C. §80b-3(b)), which is incorporated by reference in Rule 69W-200.002, F.A.C.

(s) through (x) No change.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers, associated persons of investment advisers ~~representatives~~ and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. 104-290), which is incorporated by reference in Rule 69W-200.002, F.A.C.

Rulemaking Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.1215, 517.161(1) FS. History—New 1-25-00, Amended 10-30-03, Formerly 3E-600.0131, Amended 10-23-06, 1-18-09, 11-22-10, 9-22-14, 5-6-15, 11-15-16, 11-26-19, \_\_\_\_\_.

69W-600.0132 Custody Requirements for Investment Advisers.

(1) No change.

(2) Safekeeping required. If the investment adviser is registered or required to be registered, it is unlawful for the investment adviser to have custody of client funds or securities unless the following requirements in paragraphs (2)(a)-(i) are met:

(a) Notice to Office. The investment adviser notifies the Office of Financial Regulation (Office) within thirty (30) days in writing that the investment adviser has or may have custody. Such notification is required to be given on Form ADV, Uniform Application for Investment Adviser Registration (09-19 07-17), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-11280>.

(b) through (h) No change.

(i) Direct Fee Deduction. An investment adviser who has custody as defined in sub-subparagraph (1)(a)1.b. of this rule, as a consequence of its authority to make withdrawals from client accounts to pay its advisory fee must also provide the following safeguards:

1. through 2. No change.

3. The investment adviser must notify the Office in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, Uniform Application for Investment Adviser Registration (09-19 07-17), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-11280>.

(3) Exceptions to certain safekeeping requirements.

(a) No change.

(b) Certain privately offered securities.

1. No change.

2. Notwithstanding subparagraph (3)(b)1. of this rule, the provisions of paragraph (3)(b) of this rule are available with respect to securities held for the account of a limited partnership (or limited liability company, or other type of pooled investment vehicle) only if the limited partnership is audited, the audited financial statements are distributed, as described in paragraph (3)(d) of this rule, and the investment adviser notifies the Office in writing that the investment adviser intends to

provide audited financial statements, as described above. Such notification is required to be given on Form ADV, Uniform Application for Investment Adviser Registration (09-19 07-17), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-11280>.

(c) No change.

(d) Limited partnerships subject to annual audit. An investment adviser is not required to comply with paragraphs (2)(c) and (2)(d), and shall be deemed to have complied with paragraph (2)(f) of this rule, with respect to the account of a limited partnership (or limited liability company, or any other type of pooled investment vehicle) if each of the following conditions in subparagraphs 1. through 6. are met:

1. through 5. No change.

6. The investment adviser must also notify the Office in writing that the investment adviser intends to employ the use of the statement delivery and audit safeguards described above. Such notification is required to be given on Form ADV, Uniform Application for Investment Adviser Registration (09-19 07-17), which is hereby incorporated by reference and available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-11280>.

7. No change.

(e) Investment Adviser as Trustee. When a trust retains an investment adviser, associated person of an investment adviser ~~representative~~ or employee, director or owner of an investment adviser as trustee and the investment adviser acts as the investment adviser to that trust, an investment adviser is not required to obtain an independent verification of client funds and securities maintained by a qualified custodian under paragraph (2)(f) of this rule, if the investment adviser instructs the qualified custodian of the trust as follows in subparagraphs 1. through 3.:

1. Payment of fees. The qualified custodian will not deliver trust securities to the investment adviser, any associated person of the investment adviser ~~representative~~ or employee, director or owner of the investment adviser, nor will the investment adviser instruct the qualified custodian to transmit any funds to the investment adviser, any associated person of the investment adviser ~~representative~~ or employee, director or owner of the investment adviser, except that the qualified custodian may pay trustees' fees to the trustee and investment management or advisory fees to investment adviser, provided that:

a. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, associated person of the investment adviser ~~representative~~ or employee, director or owner of the investment

adviser), or a defined beneficiary of the trust has authorized the qualified custodian in writing to pay those fees,

b. No change.

c. The qualified custodian agrees to send to the grantor of the trust, the attorneys for a testamentary trust, the co-trustee (other than the investment adviser, associated person of the investment adviser ~~representative~~ or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at least quarterly, a statement of all disbursements from the account of the trust, including the amount of investment management fees paid to the investment adviser and the amount of trustees' fees paid to the trustee.

2. Distribution of Assets. Except as otherwise set forth in sub-subparagraph a. below, the qualified custodian may transfer funds or securities, or both, of the trust only upon the direction of the trustee. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, associated person of the investment adviser ~~representative~~ or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, must designate the authorized signatory for management of the trust. The direction to transfer funds or securities, or both, can only be made to the following:

a. through e. No change.

3. Statements. If the qualified custodian agrees to these instructions and is authorized to pay the fees, the investment adviser will send to the grantor of the trust, the attorney of the trust if it is a testamentary trust, the co-trustee (other than the investment adviser, associated person of the investment adviser ~~representative~~ or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at the same time that it sends any statement to the qualified custodian, a statement showing the amount of the trustees' fees or investment management or advisory fee, the value of the assets on which the fees were based, and the specific manner in which the fees were calculated.

4. No change.

(f) Beneficial Trusts. The investment adviser is not required to comply with safekeeping requirements of subsection (2) of this rule, if the investment adviser has custody solely because the investment adviser, associated person of the investment adviser ~~representative~~ or employee, director or owner of the investment adviser is the trustee for a beneficial trust, and if all of the following conditions in subparagraphs 1. and 2., are met for each trust:

1. through 3. No change.

(g) No change.

(4) No change.

Rulemaking Authority 517.03(1), 517.1215 FS. Law Implemented 517.1215 FS. History—New 10-23-06, Amended 11-22-10, 9-22-14, 5-6-15, 11-26-19, \_\_\_\_\_.

## 69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a branch office notice-filed in this state shall be exempt from the provisions of this rule.

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in SEC Rules 17a-3 or 17a, (17 C.F.R. §§240.17a-3, 240.17a-4), section 248.30 of Regulation S-P (17 C.F.R. §248.30), and MSRB Rules G-7, G-8 and G-9; and records evidencing compliance with ~~NASD Rules 3140, 3150, and IM-3150~~ and Financial Industry Regulatory Authority (FINRA) Rule 1020 and FINRA rules contained in the Rule 2000 Series (Duties and Conflicts), Rule 3000 Series (Supervision and Responsibilities Relating to Associated Persons), Rule 4000 Series (Financial and Operational Rules), and Rule 5000 Series (Securities Offering and Trading Standards and Practices). The foregoing rules are incorporated by reference in Rule 69W-200.002, F.A.C.

(2) No change.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, (17 C.F.R. §275.204-2), which is incorporated by reference in Rule 69W-200.002, F.A.C.; Notwithstanding SEC Rule 204-2, (17 C.F.R. §275.204-2), investment adviser records requirements do not include Form CRS. Investment advisers shall and have available for the Office of Financial Regulation at least the following records:

(a) through (g) No change.

(h) A file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any associated person of the investment adviser representative or employee, and regarding any customer or client complaint.

(i) No change.

(j) Written procedures to supervise the activities of employees and associated persons of the investment adviser representative that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(k) A file containing a copy of each document, other than any notices of general dissemination, that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its associated persons investment adviser representatives. Such file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(l) No change.

(4) Notwithstanding other record preservation requirements of this rule, the following records or copies shall be required to be maintained in the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(a) No change.

(b) Records or copies required under the provision of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 of the Investment Advisers Act of 1940 (17 C.F.R. §275.204-2), which records or related records identify the name of the associated person of the investment adviser representative providing investment advice from that business location, or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number.

(5) through (6) No change.

(7) All books and records described in this rule shall be preserved in accordance with the following:

(a) through (d) No change.

(e) Each investment adviser registered or required to be registered in this state and which has a business location in this state shall maintain at such business location:

1. No change.

2. The records or copies required under the provisions of paragraphs (3)(a)-(k), above, related to customers or clients for whom the associated person of the investment adviser representative provides or has provided investment advisory services; and;

3. The records or copies required under the provisions of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2, (17 C.F.R. §275.204-2), which records or related records identify the name of the associated person of the investment adviser representative or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d) and (e), of SEC Rule 204-2, (17 C.F.R. §275.204-2). The investment adviser shall be responsible for ensuring compliance with the provision of this subsection. SEC Rule 204-2, (17 C.F.R. §275-204-2).

(8) No change.

Rulemaking Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91,

6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06, 5-15-07, 11-22-10, 11-11-13, 9-22-14, 5-6-15, 11-15-16, 11-26-19, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Alisa G. Goldberg, Director, Division of Securities  
 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 3, 2020

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.:           RULE TITLE:  
 69W-600.0141   Notification of Delay of Disbursement/Transaction from Account of Specified Adult

PURPOSE AND EFFECT: The purpose and effect is to implement new section 517.34, Florida Statutes, and incorporate by reference new Form OFR-DLY, Notification of Delay of Disbursement/Transaction from Account of Specified Adult.

SUMMARY: The proposed rule implements section 517.34, Florida Statutes, and incorporates by reference Form OFR-DLY, Notification of Delay of Disbursement/Transaction from Account of Specified Adult. Form OFR-DLY shall be used by any dealer or investment adviser who delays a disbursement or transaction of funds or securities from an account of a specified adult, as defined in section 517.34, Florida Statutes, or an account for which a specified adult is a beneficiary or beneficial owner to notify the Office of Financial Regulation of the delay or extension of a delay.

**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: 517.03(1), 517.34(3), (4) FS.  
 LAW IMPLEMENTED: 517.34 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: Ryann White, Division of Securities (850) 410-9803, Ryann.White@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.0141 Notification of Delay of Disbursement/Transaction from Account of Specified Adult Any dealer or investment adviser who delays a disbursement or transaction of funds or securities from an account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner shall, not later than three (3) business days after the date on which the delay was first placed or extension of the delay applied, notify the Office of the delay or extension of the delay by submitting Form OFR-DLY, Notification of Delay of Disbursement/Transaction from Account of Specified Adult, effective XXXX. A sample form is hereby incorporated by \_\_\_\_\_ reference and \_\_\_\_\_ available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

Rulemaking Authority 517.03(1), 517.034(3), (4) FS. Law Implemented 517.34 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Alisa G. Goldberg, Director, Division of Securities  
 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: June 24, 2020

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.:           RULE TITLE:  
 69W-700.001   Registration of Securities

PURPOSE AND EFFECT: The purpose and effect is to amend the existing rule to grant an applicant for registration of securities an additional 30 days to submit requested information and to allow the Office to abandon an application if an applicant fails to provide timely additional information.

SUMMARY: The proposed amended rule grants an applicant for registration of securities an additional 30 days to submit requested information and allows the Office to abandon an application if an applicant fails to provide timely additional information.

**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: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.081, 517.101, 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: Ryann White, Division of Securities (850)410-9803, Ryann.White@flofr.com

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

69W-700.001 Registration of Securities.

(1) No change.

(2) Request for Additional Information. All information required by subsection (1) of this rule, shall be submitted with the original application filing. The required exhibits in the application forms are not intended to limit the applicant’s presentation of any of the requirements, but merely represent the minimum information to be filed. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. The Office shall grant a request for an additional thirty (30) days to submit the additional information. The Office shall not grant a request after the original sixty (60) day deadline has passed. Failure to provide timely all additional information shall result in the application being deemed abandoned, which shall result in the application being removed from further consideration by the Office and closed. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) No change.

Rulemaking Authority 517.03 FS. Law Implemented 517.07, 517.081, 517.101 FS. History—New 9-20-82, Formerly 3E-20.011, 3E-700.01, Amended 7-31-91, Formerly 3E-700.001, Amended 9-22-14, 12-29-15, 11-25-19,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alisa G. Goldberg, Director, Division of Securities

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 3, 2020

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.                      RULE TITLE:

69W-1000.001    Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect is to amend the Disciplinary Guidelines for Division 69W, Florida Administrative Code, incorporated by reference in Rule 69W-1000.001, F.A.C., in order to reflect current versions of FINRA rules and other materials incorporated by reference.

SUMMARY: The proposed amended rule amends the Disciplinary Guidelines for Division 69W, Florida Administrative Code, incorporated by reference in Rule 69W-1000.001, F.A.C., in order to reflect current versions of FINRA rules and other materials incorporated by reference.

**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: 517.1611(1) FS.

LAW IMPLEMENTED: 517.11, 517.121, 517.161, 517.1202, 517.1611(1), 517.191(4), 517.221(3), (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: Ryann White, Division of Securities (850)410-9803, Ryann.White@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-1000.001 Disciplinary Guidelines.

(1) Pursuant to section 517.1611, F.S., disciplinary guidelines applicable to each ground for which disciplinary action may be imposed by the Office against an individual or a firm under chapter 517, F.S., are hereby adopted. The disciplinary guidelines are contained in the Office of Financial Regulation Disciplinary Guidelines for chapter 517, Florida Statutes (F.S.) and Division 69W, Florida Administrative Code (F.A.C.) (effective ~~XX-20-10-16~~), which is hereby incorporated by reference. A copy of the disciplinary guidelines may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399, or may be obtained electronically through the following website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07396>~~

(2) through (9) No change.

Rulemaking Authority 517.1611(1) FS. Law Implemented 517.111, 517.121, 517.161, 517.1202, 517.1611(1), 517.191(4), 517.221(3), (4) FS. History—New 11-22-10, Amended 11-14-13, 5-6-15, 11-15-16, 12-10-19,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alisa G. Goldberg, Director, Division of Securities  
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: July 28, 2020

**Section III**

**Notice of Changes, Corrections and Withdrawals**

NONE

**Section IV**

**Emergency Rules**

NONE

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

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-4.002: Ratification by Members of Bargaining Unit  
NOTICE IS HEREBY GIVEN that on September 30, 2020, the Public Employees Relations Commission, received a petition for variance from Rule 60CC-4.002, F.A.C., from Daniel Saunders and the United Faculty of Florida to allow the United Faculty of Florida to conduct all aspects of a ratification election electronically. The petition was assigned Case No. MS-2020-069. Any interested person may submit written comments on this petition within 5 days of publication of this notice by mail to Commission Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by facsimile to (850) 488-9704.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by email to Barry.Dunn@perc.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On September 9, 2020 the Division of Hotels and Restaurants received a Petition for an Routine Variance for Subparagraph 61C-4.010(7) Florida Administrative Code and Subparagraph 61C-4.010(6), Florida Administrative Code and paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2009 FDA Food Code from MOMENTO CAFÉ LLC located in Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees and the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the bathrooms and mop sink located within a nearby establishment under a different ownership for use by customers and employees.

The Petition for this variance was published in Vol.46/177 on September 10, 2020. The Order for this Petition was signed and approved on September 28, 2020. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms and mop sink located within HGreg Nissan Kendall (17305 South Dixie Highway, Palmetto Bay, 33157), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation, and the mop sink is maintained in a clean and sanitary manner and is provided with hot and cold running water under pressure.. The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of MOMENTO CAFÉ LLC (File: 327845) and/or HGreg Nissan Kendall (17305 South Dixie Highway, Palmetto Bay, 33157) changes, an updated signed agreement for use of the bathroom facilities and mop sink will be required immediately.

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

## Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE  
Division of Cultural Affairs

The Friends of the Museums of Florida History, Inc. announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, October 22, 2020, 10:00 a.m.

PLACE: By teleconference and video conference

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Board self-evaluation.

A copy of the agenda may be obtained by contacting: Thomas W. Robinson, 850.245.6413.

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: Thomas W. Robinson, 850.245.6413. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Thomas W. Robinson, 850.245.6413.

### DEPARTMENT OF LEGAL AFFAIRS

The Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 20, 2020, 3:00 p.m. until conclusion

PLACE: DIAL-IN INFORMATION: 888-585-9008,  
PARTICIPANT PASSCODE: 494-085-037

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Annual Report.

A copy of the agenda may be obtained by contacting: Lynn Guyton at Lynn.Guyton@myfloridalegal.com or by accessing the Council’s website at:

[http://myfloridalegal.com/\\_85256CC5006DFCC3.nsf/0/8AE A5858B1253D0D85257D34005AFA72?Open&Highlight=0,s tatewide,council,meeting](http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/8AE A5858B1253D0D85257D34005AFA72?Open&Highlight=0,s tatewide,council,meeting)

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: the Office of Attorney General Ashley Moody at (850)414-3300. 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: Lynn Guyton at Lynn.Guyton@myfloridalegal.com or by telephone at (813)287-7950.

### DEPARTMENT OF EDUCATION

The Department of Education’s Work Group for Postsecondary Credit for Military Courses and Occupations announces a public meeting to which all persons are invited.

DATE AND TIME: October 7, 2020, 9:00 a.m.

PLACE: Registration for the GoToMeeting is available at <https://attendee.gotowebinar.com/register/4773028764663864336>

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular business meeting.



A copy of the agenda may be obtained by contacting: articulation@fldoe.org.  
 For more information, you may contact: articulation@fldoe.org or 850-245-0427.

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

The Education Practices Commission announces a hearing to which all persons are invited.

**DATE AND TIME:** A Teacher Hearing Panel will begin at 9:30 a.m. or as soon thereafter as can be heard on October 15, 2020. A Teacher Hearing Panel will begin at 9:30 AM or as soon thereafter as can be heard on October 16, 2020.

**PLACE:** Phone Meeting, Unites States Toll-Free: 1(888)585-9008, Conference Room Number: 847-456-389

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Lisa Forbess at (850) 245-0455.

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: Lisa Forbess at (850) 245-0455. 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: Lisa Forbess at (850) 245-0455.

**DEPARTMENT OF TRANSPORTATION**

**RULE NO.: RULE TITLE:**

14-46.005 Wireless Facilities

The Department of Transportation announces a hearing to which all persons are invited.

**DATE AND TIME:** Friday, October 9, 2020, 3:00 p.m.

**PLACE:** Department of Transportation Burns Building Auditorium, 605 Suwannee Street, Tallahassee, FL and online via GoToWebinar. Interested parties can register to attend at the following link:

<https://attendee.gotowebinar.com/register/5074767740680766219>. After registering, you will receive a confirmation email containing information about joining the webinar.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Establishing permitting criteria for small wireless equipment installed in Department right-of-way. This notice will replace notice #23394768.

A copy of the agenda may be obtained by contacting: Patrick Overton, State Utilities Engineer, Department of Transportation 605 Suwannee Street, Tallahassee, FL 32399, patrick.overton@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Patrick Overton, State Utilities Engineer, Department of Transportation 605 Suwannee Street, Tallahassee, FL 32399, patrick.overton@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: Patrick Overton, State Utilities Engineer, Department of Transportation 605 Suwannee Street, Tallahassee, FL 32399, patrick.overton@dot.state.fl.us.

**REGIONAL PLANNING COUNCILS**

**South Florida Regional Planning Council**

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

**DATE AND TIME:** Monday, October 19, 2020, 10:30 a.m.

**PLACE:** Virtual Meeting - "Go to Meeting" by the web or conference call

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review of Comprehensive Plan Amendments received prior to the meeting; General Council Business.

A copy of the agenda may be obtained by contacting: Administration at the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; (954) 924-3653; or sfadmin@sfrpc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Administration at the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; (954) 924-3653; or sfadmin@sfrpc.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).

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: Administration at the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; (954) 924-3653; or [sfadmin@sfrpc.com](mailto:sfadmin@sfrpc.com).

**REGIONAL PLANNING COUNCILS**

Treasure Coast Regional Planning Council

The South Florida and Treasure Coast Regional Planning Councils announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2020, 10:00 a.m.

PLACE: Virtual Meeting

<https://global.gotomeeting.com/join/766238509>

You can also dial in using your phone: +1 (571) 317-3122 / Access Code: 766-238-509

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Joint Council Meeting to discuss various issues of regional importance. This is a regional stakeholder meeting to discuss issues of regional importance.

Potential topics include but are not limited to: Affordable Housing, Water Infrastructure and Supply, Management alternatives for Human Wastewater Biosolids, South Florida Water Management District, and Southeast Florida Reef Tract. Attendees may include one or more board members, elected officials and staff from the South Florida and Treasure Coast Regional Planning Councils; Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, and Indian River counties and their respective Transportation Planning/Metropolitan Planning Organizations; South Florida Regional Transportation Authority; Southeast Florida Transportation Council; Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, and Indian River municipal governments; Florida Department of Environmental Protection; Florida Department of Transportation; and South Florida Water Management District. A copy of the agenda may be obtained by contacting: the South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; [klerch@sfrpc.com](mailto:klerch@sfrpc.com); (954) 924-3653 or the Treasure Coast Regional Planning Council, 421 SW Camden Avenue, Stuart, Florida 34994; [lgulick@tcrpc.org](mailto:lgulick@tcrpc.org); (772) 221-4060.

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 South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; [klerch@sfrpc.com](mailto:klerch@sfrpc.com); (954) 924-3653 or the Treasure Coast Regional Planning Council, 421 SW Camden Avenue, Stuart, Florida 34994; [lgulick@tcrpc.org](mailto:lgulick@tcrpc.org); (772) 221-4060. 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 South Florida Regional Planning Council, One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; [klerch@sfrpc.com](mailto:klerch@sfrpc.com); (954) 924-3653 or the Treasure Coast Regional Planning Council, 421 SW Camden Avenue, Stuart, Florida 34994; [lgulick@tcrpc.org](mailto:lgulick@tcrpc.org); (772) 221-4060.

**METROPOLITAN PLANNING ORGANIZATIONS**

Orlando Urban Area

The Central Florida MPO Alliance announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 9, 2020, 10:00 a.m.

PLACE: Zoom Web Conference

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled CFMPOA meeting

A copy of the agenda may be obtained by contacting: Ms. Lisa Smith, 250 South Orange Avenue, Suite 200, Orlando FL 32801, Ph: 407-481-5672, ext. 307, Email: [lsmith@metroplanorlando.org](mailto:lsmith@metroplanorlando.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ms. Lisa Smith, 250 South Orange Avenue, Suite 200, Orlando FL 32801, Ph: 407-481-5672, ext. 307, Email: [lsmith@metroplanorlando.org](mailto:lsmith@metroplanorlando.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Lisa Smith, 250 South Orange Avenue, Suite 200, Orlando FL 32801, Ph: 407-481-5672, ext. 307, Email: [lsmith@metroplanorlando.org](mailto:lsmith@metroplanorlando.org).

**WATER MANAGEMENT DISTRICTS**

St. Johns River Water Management District

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

DATE AND TIME: Tuesday, October 13, 2020; The Governing Board meeting will begin at 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177. Due to the COVID-19 pandemic, room capacity will be reduced. Anyone who wishes to provide public comment may attend in-person or may participate by phone by calling 386-329-4500.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

**NOTE:** SJRWMD offices are currently closed to the public due to the COVID-19 pandemic. For this meeting, the Governing Board room will be temporarily opened at a reduced capacity to provide members of the public an additional option for providing public comment. One or more Governing Board members may attend and participate in the meetings by means of communications media technology. The public can view the meeting through our livestream at sjrwmd.com. Anyone who wishes to provide public comment by phone will be able to do so by calling 386-329-4500. Additional instructions regarding viewing of and participation in the meeting are available on the District’s website at sjrwmd.com or by calling 386-329-4500 and requesting assistance.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention Andrea Dzioba, 4049 Reid Street, Palatka, FL 32177, or by phone at 386-643-1915, or by visiting the District’s website at sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Civil Rights Coordinator at (386) 329-4500. 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 BUSINESS AND PROFESSIONAL REGULATION**

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, October 30, 2020, 9:00 a.m.

**PLACE:** via-telephone only. To attend the meeting by telephone, please call 1(888) 909-7654 and enter pass code 128126 when prompted.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board will address official business of the Florida Mobile Home Relocation Corporation which will include, among other matters, a review of mobile home owner applications for compensation for relocation and/or abandonment due to change

in land use and such other business as may come before the Board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Vicky Krentz at (888) 862-7010.

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: Vicky Krentz at (888) 862-7010. 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: Vicky Krentz, Executive Director, FMHRC, PO Box 7848, Clearwater, FL, 33758, (888) 862-7010. Ms. Krentz may be reached by email at vicky@fmhrc.org.

**DEPARTMENT OF HEALTH**

Board of Dentistry

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

**DATE AND TIME:** November 6, 2020, 9:00 a.m. ET

**PLACE:** 1 (888) 585-9008 when prompted, enter conference room number 599196982#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel with reconsiderations.

A copy of the agenda may be obtained by contacting: www.floridasdentistry.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**

Board of Massage Therapy

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

**DATE AND TIME:** October 28, 2020, 3:15 p.m.

PLACE: Meet-Me Number: 888-585-9008, Participant Code: 508909666

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Reconsideration of cases for which a finding of probable cause has already been determined.

A copy of the agenda may be obtained by contacting: the Board office at (850) 245-4161.

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: the Board office at (850) 245-4161. 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 office at (850) 245-4161.

#### FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission, Harmful Algal Bloom Task Force announces a public meeting to which all persons are invited.

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

PLACE: Video Conference. The meeting will be broadcast via Adobe Connect. Meeting link: [fwc.adobeconnect.com/hab](http://fwc.adobeconnect.com/hab)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting of the Harmful Algal Bloom Task Force will focus on ongoing research related to human health and other impacts of HABs in Florida.

A copy of the agenda may be obtained by contacting: Meghan Abbott, [Meghan.Abbott@MyFWC.com](mailto:Meghan.Abbott@MyFWC.com); (727)502-4958.

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: Meghan Abbott, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, 100 8th Avenue SE, St. Petersburg, Florida 33701. 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: Meghan Abbott, [Meghan.Abbott@MyFWC.com](mailto:Meghan.Abbott@MyFWC.com); (727)502-4958.

#### PUBLIC COMMENT:

Comments for the Harmful Algal Bloom Task Force may be submitted in writing through the online form available at [MyFWC.com/HABTaskForce](http://MyFWC.com/HABTaskForce). Comments are also welcome via call-in during designated portions of the meeting. For comments received during the meeting, the Chair reserves the right to designate the amount of time given to a topic or speaker.

#### GULF CONSORTIUM

The Gulf Consortium announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 8, 2020, 3:00 p.m. (ET)

PLACE: This meeting will be conducted exclusively via teleconference. Interested persons may participate by telephone via the following:

Dial in Number +1 (646) 749-3129

Participant Passcode: 139-161-029

Interested persons who wish to participate may also contact Valerie Seidel at 407-629-2185 ext 104 or [vseidel@balmoralgroup.us](mailto:vseidel@balmoralgroup.us) at least three (3) days in advance of the meeting to arrange for access to be provided to the teleconference at the following location:

The Balmoral Group, 165 Lincoln Avenue, Winter Park, FL 32789

Please note that in light of the current situation surrounding the COVID-19 virus and to limit public gatherings in accordance with Federal and State directives, interested persons who wish to participate are encouraged to do so remotely via telephone, utilizing the contact information described above.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board of Directors of the Gulf Consortium will meet to approve one final award and one pending award.

A copy of the agenda may be obtained by contacting: [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

For more information, you may contact: www.gulfconsortium.org or by contacting: General Manager at 407-629-2185 or Gulf.Consortium@balmoralgroup.us.

CITIZENS PROPERTY INSURANCE CORPORATION

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

DATE AND TIME: October 7, 2020, 3:00 p.m. - 4:30 p.m.

PLACE: 1-786-635-1003; Access Code: 986 437 29596, Zoom Webinar access available at our website.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics to include but not limited to Recruitment Process.

A copy of the agenda may be obtained by contacting: www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at barbara.walker@citizensfla.com or 850-445-9645. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Barbara Walker, 2101 Maryland Circle, Tallahassee, FL 32303, barbara.walker@citizensfla.com or 850-445-9645.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has issued an order disposing of the petition for declaratory statement filed by Pediatric Suppliers, Inc. on July 02, 2020. The following is a summary of the agency's disposition of the petition:

The Office finds the requirements of Chapter 626, Part VII, Florida Statutes, applicable to the proposed business operations of Petitioner as presented in its Petition for Declaratory Statement.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Public Records Office, Office of Insurance Regulation, 200 E. Gaines Street, Larson Building, Tallahassee, FL 32399, Telephone: 850-413-4223, E-mail: PublicRecords@flor.com.

Please refer all comments to: Jamilynn M. Pettway, Assistant General Counsel, at Jamilynn.Pettway@flor.com.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

University of Florida

Notice of Bid

Request for Qualifications (Construction)

University of Florida Board of Trustees

UF Bid Number ITB21KO-121

UF-623B Thermal Utility System Improvements

SCOPE OF WORK:

The University is currently undertaking a large utility and infrastructure improvement program. The UF-623B: Thermal Utility System Improvements project is one the three interrelated and concurrent projects requiring close coordination.

The following is a summary of the UF-623B Scope of Work:

- All labor, material, supervision, and management to construct new underground Thermal Distribution utility infrastructure.
- Approximately 4,600 trench-feet of large diameter chilled water pipe and 8,500 trenchfeet of steam and condensate return pipe of various sizes.
- Approximately 2,000 feet of electrical concrete encased ductbank
- Construction of new and refurbished manholes
- Relocation of existing utilities impacted by the new thermal infrastructure

Utility improvements will be constructed through major campus vehicular and pedestrian thoroughfares, namely Museum Road and Newell Drive. As such, scheduling, planning, and Maintenance of Traffic are critical aspects of the General Contractor’s responsibility.

General Contractor selection is expected November 2020, with construction commencing in December 2020. Construction completion is expected within 22 months. Work on an active campus, construction on a constricted site and the need for exceptional safety and environmental controls while supporting University operations are important requirements for contractor performance.

Applicants unfamiliar with work at the University of Florida (UF) are strongly urged to familiarize themselves with the UF General Terms and Conditions, construction inspection & closeout procedures and forms, and other documents and materials available on the UF Planning Design & Construction (PD&C) website at [www.facilities.ufl.edu](http://www.facilities.ufl.edu).

**PROPOSAL:**

The method of delivery is design-bid-build, with an enhanced pre-bid qualification process due to the nature and location of the work. The following criteria shall be used to qualify potential bidders:

1. AIA Document A305
2. Past Performance on Similar Projects
3. Personnel Assigned to the Project
4. Financial Standing, Qualifications and Licensure
5. Safety Information
6. Workload Information

Only applicants deemed to be qualified will be permitted to bid. RFQ submittals are due October 21, 2020 at 3:00 p.m.

To retrieve the Request for Qualifications (RFQ) instructions, forms, and additional information, go to the UF Procurement Services “Schedule of Bids” website: <https://procurement.ufl.edu/vendors/schedule-of-bids/>

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY  
 GAINESVILLE REGIONAL AIRPORT  
 REQUEST FOR STATEMENT OF QUALIFICATIONS #20-004  
 DESIGN TAXIWAY A REHABILITATION & RECONFIGURATION AND TAXIWAY E EXTENSION & RECONFIGURATION

The Gainesville-Alachua County Regional Airport Authority is seeking qualified consultants to provide Professional Engineering Services for design of an extension and partial realignment of Taxiway A and Taxiway E. The realignment will be consistent with the Airport’s approved Master Plan and FAA requirements. The design contracts may be separated into separate projects (Taxiway A vs. Taxiway E) and the work may be phased depending upon the availability of federal and state funds.

The Gainesville-Alachua County Regional Airport Authority reserves the right to reject any and all proposals submitted in response to this Request for any reason.

Interested parties should send a written request for a copy of the RFQ Package to:

Ms. Lynn Noffsinger, Grants and Contracts Administrator  
 E-mail: [lynn.noffsinger@flygainesville.com](mailto:lynn.noffsinger@flygainesville.com)

The contract for services shall be valid subject to approval by the Authority, the Federal Aviation Administration and the Florida Department of Transportation and is dependent upon the Authority receiving a FY21 Airport Improvement Program grant for design and bid phase services. A negotiated contract is expected to be reached with the selected firm by March 1, 2021. Grant issuance is anticipated on or before October 1, 2021 and Notice to Proceed is anticipated by October 21, 2021. All parties interested in providing these services should mail or hand deliver one original, clearly marked “ORIGINAL”, and three (3) copies of its completed Qualifications Package, as required herein, to:

Allan J. Penksa, Chief Executive Officer  
 Gainesville-Alachua County Regional Airport Authority  
 3880 NE 39th Avenue, Suite A  
 Gainesville, FL 32609

Submittals should be included in a sealed envelope clearly labeled:

Gainesville Regional Airport  
 RFQ 20-004 Taxiway A and E Design Services  
 Deadline for submittals is 4:30 p.m., Monday November 16, 2020. If submittals are hand delivered, they must be delivered to the receptionist in the administrative office of the Gainesville

Regional Airport where they will be dated, stamped and logged in. The official clock is located in the reception area of the administrative offices of the Gainesville Regional Airport. Submissions received after this time will be returned unopened to the respondent. The administrative office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. The office is closed for lunch from 1:00 p.m. – 2:00 p.m.

Respondents shall address questions regarding this RFQ for interpretation to Ms. Lynn Noffsinger, Airport Contracts and Grants Administrator. Questions must be written and sent via email. The airport will not respond to oral inquiries. Answers will be in the form of written addenda made available to all those registering with the Authority by formally requesting a copy of this RFQ.

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY  
 GAINESVILLE REGIONAL AIRPORT  
 REQUEST FOR STATEMENT OF QUALIFICATIONS #20-005  
 DESIGN SERVICES - GENERAL AVIATION APRON RECONSTRUCTION & REHABILITATION

The Gainesville-Alachua County Regional Airport Authority is seeking qualified consultants to provide Professional Engineering Services for design of reconstruction and rehabilitation of the General Aviation Apron.

The Gainesville-Alachua County Regional Airport Authority reserves the right to reject any and all proposals submitted in response to this Request for any reason.

Interested parties should send a written request for a copy of the RFQ Package to:

Ms. Lynn Noffsinger, Grants and Contracts Administrator  
 E-mail: lynn.noffsinger@flygainesville.com

The contract for services shall be valid subject to approval by the Authority, the Federal Aviation Administration and the Florida Department of Transportation and is dependent upon the Authority receiving a FY21 Airport Improvement Program grant for design and bid phase services. A negotiated contract is expected to be reached with the selected firm by March 1, 2021. Grant issuance is anticipated on or before October 1, 2021 and Notice to Proceed is anticipated by October 21, 2021. All parties interested in providing these services should mail or hand deliver one original, clearly marked "ORIGINAL", and three (3) copies of its completed Qualifications Package, as required herein, to:

Allan J. Penksa, Chief Executive Officer  
 Gainesville-Alachua County Regional Airport Authority  
 3880 NE 39th Avenue, Suite A  
 Gainesville, FL 32609

Submittals should be included in a sealed envelope clearly labeled:

Gainesville Regional Airport  
 RFQ 20-005 Design Services General Aviation Apron Reconstruction & Rehabilitation

Deadline for submittals is 4:30 p.m., Monday November 16, 2020. If submittals are hand delivered, they must be delivered to the receptionist in the administrative office of the Gainesville Regional Airport where they will be dated, stamped and logged in. The official clock is located in the reception area of the administrative offices of the Gainesville Regional Airport. Submissions received after this time will be returned unopened to the respondent. The administrative office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. The office is closed for lunch from 1:00 p.m. – 2:00 p.m.

Respondents shall address questions regarding this RFQ for interpretation to Ms. Lynn Noffsinger, Airport Contracts and Grants Administrator. Questions must be written and sent via email. The airport will not respond to oral inquiries. Answers will be in the form of written addenda made available to all those registering with the Authority by formally requesting a copy of this RFQ.

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., Friday, September 25, 2020 and 3:00 p.m., Thursday, October 1, 2020.

Rule No.	File Date	Effective Date
2-37.010	10/1/2020	10/21/2020
2-37.020	10/1/2020	10/21/2020
2-37.030	10/1/2020	10/21/2020
2-37.040	10/1/2020	10/21/2020
59G-13.070	9/29/2020	10/19/2020
61H1-33.003	9/30/2020	10/20/2020
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
64B8-30.005	10/1/2020	10/21/2020
64B10-11.001	10/1/2020	10/21/2020
64B10-15.001	9/28/2020	10/18/2020
64B15-6.0035	10/1/2020	10/21/2020
61G19-1.009	10/1/2020	10/21/2020
61G19-6.0036	10/1/2020	10/21/2020
61G19-6.017	10/1/2020	10/21/2020
61G19-9.001	10/1/2020	10/21/2020
61G19-9.004	10/1/2020	10/21/2020
61G19-9.0045	10/1/2020	10/21/2020

**LIST OF RULES AWAITING  
EPA APPROVAL PURSUANT TO  
SECTION 373.4146 (2), FLORIDA STATUTES**

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
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**

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
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	**/**/****

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication of 2020-2021 Regulatory Plan  
 NOTICE IS HEREBY GIVEN that on October 1, 2020, the Department of Highway Safety and Motor Vehicles published its 2020-2021 regulatory plan in accordance with section

120.74, Florida Statutes. The 2020-2021 regulatory plan is available at [https://www.flhsmv.gov/pdf/ogc/annualregulatoryplan\\_2020\\_2021.pdf](https://www.flhsmv.gov/pdf/ogc/annualregulatoryplan_2020_2021.pdf).

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

The establishment of The Cart Guys LLC, line-make CITC  
 Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that CITECAR, LLC, intends to allow the establishment of The Cart Guys LLC, as a dealership for the sale of low-speed vehicle manufactured by CITECAR, LLC (CITC) at 28315 Twin Lakes Drive, Punta Gorda, (Charlotte County), Florida, 33955, on or after November 4, 2020.

The name and address of the dealer operator(s) and principal investor(s) of The Cart Guys LLC are dealer operator(s): Rex Sterling, 7884 Southwest Sunny Oaks Drive, Arcadia, Florida 34269, principal investor(s): Rex Sterling, 7884 Southwest Sunny Oaks Drive, Arcadia, Florida 34269.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Justin Jackrel, CITECAR, LLC, 2137 Savannah Highway, Charleston, South Carolina 29414.

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

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

The establishment of Atlantic Coast Exotics, LLC, d/b/a ACE of Carts, line-make GLBL

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Sales and Service, Inc., intends to allow the establishment of Atlantic Coast Exotics, LLC, d/b/a ACE of Carts, as a dealership for the sale of low-speed vehicle manufactured by Global Electric Motor Car LLC (line-make GLBL) at 4880 SE Federal Hwy, Stuart, (Martin County), Florida, 34997, on or after November 4, 2020.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Coast Exotics, LLC are dealer operator(s): Nicholas Rotundo, 4191 Southeast Peterson Ln, Stuart, Florida 34997, principal investor(s): Nicholas Rotundo, 4191 Southeast Peterson Ln, Stuart, Florida 34997, Rocco Rotundo, 4191 Southeast Peterson Ln, Stuart, Florida 34997, Dina Rotundo, 4191 Southeast Peterson Ln, Stuart, Florida 34997.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Aaron Stegemann, Polaris Sales And Service, Inc., 2100 Hwy 55, Medina, Minnesota 55340.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES

Division of Motor Vehicles

The establishment of S. Wood Enterprises, Inc., d/b/a Treasure Coast Hyundai

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyundai Motor America, intends to allow the establishment of S. Wood Enterprises, Inc., d/b/a Treasure Coast Hyundai as a dealership for the sale of automobiles manufactured by Hyundai Motor America (line-make HYUN) at 5205 South US Highway 1, Fort Pierce (St Lucie County), Florida 34982, on or after November 4, 2020.

The name and address of the dealer operator(s) and principal investor(s) of S. Wood Enterprises, Inc., are dealer operator(s): Sanford Woods, 32 East High Point Road, Stuart, Florida 34996, principal investor(s): Sanford Woods, 32 East High Point Road, Stuart, Florida 34996, Amber Woods, 29 Harbor Isle Drive West PH6, Fort Pierce, Florida 34949.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Bill Schultheiss, Hyundai Motor America, 10550 Talbert Avenue, Fountain Valley, California 92708.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES

Division of Motor Vehicles

The establishment of Next Ride LLC, line-make DUCA.  
Tampa

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Ducati North America Inc., intends to allow the establishment of Next Ride LLC, as a dealership for the sale of motorcycles manufactured by Ducati Motor Holding Spa (line-make DUCA) at 7202 East Adamo Drive, Tampa,

(Hillsborough County), Florida 33619, on or after November 4, 2020.

The name and address of the dealer operator(s) and principal investor(s) of Next Ride LLC are dealer operator(s): Trever Varney, 310 Albert Anna Ct, Safety Harbor, Florida 34695, Stacie Varney, 310 Albert Anna Ct, Safety Harbor, Florida 34695; principal investor(s): Trever Varney, 310 Albert Anna Ct, Safety Harbor, Florida 34695, Stacie Varney, 310 Albert Anna Ct, Safety Harbor, Florida 34695.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Jason Chinnock, Ducati North America Inc., 448 East Middlefield Road, Mountain View, California 94043.

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

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

The establishment of FRF Powersports LLC, line-make DUCA, Palm Bay

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Ducati North America Inc., intends to allow the establishment of FRF Powersports, LLC, as a dealership for the sale of motorcycles manufactured by Ducati Motor Holding Spa (line-make DUCA) at 190 Interstate Court Southeast, Palm Bay, (Brevard County), Florida 32907, on or after November 4, 2020.

The name and address of the dealer operator(s) and principal investor(s) of FRF Powersports LLC are dealer operator(s): Felipe Ozi, 190 Interstate Ct Southeast, Palm Bay, Florida 32909; principal investor(s): Felipe Ozi, 190 Interstate Ct Southeast, Palm Bay, Florida 32909.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Jason Chinnock, Ducati North America Inc., 448 East Middlefield Road, Mountain View, California 94043.

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

**FLORIDA COMMISSION ON OFFENDER REVIEW  
NOTICE OF PUBLICATION OF ANNUAL REGULATORY PLAN**

Pursuant to section 120.74(2), Florida Statutes, the Florida Commission on Offender Review published the Commission's 2020-2021 Annual Regulatory Plan on September 30, 2020, at the following web address: <https://www.fcor.state.fl.us/docs/reports/2020-2021RegulatoryPlan.pdf>

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need  
NOTICE OF FIXED NEED POOLS FOR COMMUNITY NURSING HOME BEDS**

The Agency for Health Care Administration has projected a fixed bed need pool for community nursing home beds for July 2023 pursuant to the provisions of Section 408.034(5), Florida Statutes and Rules 59C-1.008 and 59C-1.036, F.A.C. Net bed need projections for community nursing home beds have been adjusted according to occupancy rate thresholds as prescribed

by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 1, Room 229, MS 28, Tallahassee, Florida, 32308, on or before 5pm, October 19, 2020.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Community Nursing Home Bed Need  
Bed Need

District 1	
Subdistrict 1	6
Subdistrict 2	0
Subdistrict 3	0
District 2	
Subdistrict 1	91
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 3	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0

Subdistrict 6	0
Subdistrict 7	0
District 4	
Subdistrict 1	24
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
District 5	
Subdistrict 1	0
Subdistrict 2	0
District 6	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 7	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
District 8	
Subdistrict 1	0
Subdistrict 2	0
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
Subdistrict 6	0
District 9	
Subdistrict 1	7
Subdistrict 2	11
Subdistrict 3	0
Subdistrict 4	0
Subdistrict 5	0
District 10	0
District 11	
Subdistrict 1	0
Subdistrict 2	0
Total Statewide	139

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice of Publication of Annual Regulatory Plan

NOTICE OF PUBLICATION OF ANNUAL REGULATORY PLAN

Pursuant to 120.74(2), F.S., the Department of Business and Professional Regulation published the Department's 2020-2021 Annual Regulatory Plan on October 1, 2020, at the following web address: <http://www.myfloridalicense.com/DBPR/about-us/annual-regulatory-plans/>

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Notice of Publication of Annual Regulatory Plan

NOTICE OF PUBLICATION OF ANNUAL REGULATORY  
PLAN

Pursuant to 120.74(2), F.S., the Department of Business and Professional Regulation published the Department's Boards's/Commissions' 2020-2021 Annual Regulatory Plan on October 1, 2020, at the following web address: <http://www.myfloridalicense.com/DBPR/about-us/annual-regulatory-plans>

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DEPARTMENT OF FINANCIAL SERVICES

OIR - Administration

Regulatory Plan

Pursuant to section 120.74(2)(a)3., F.S., the Office of Insurance Regulation is providing notice it published the agency's regulatory plan on September 30, 2020, which is located at <https://www.floir.com/siteDocuments/OIRRegulatoryPlan2020-2021.pdf>.

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Section XIII

Index to Rules Filed During Preceding  
Week

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

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