

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

NONE

**Section II**  
**Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:        RULE TITLE:

6A-1.0018        School Safety Requirements and Monitoring  
PURPOSE AND EFFECT: To revise the Office of Safe Schools’ procedures for monitoring and addressing issues of suspected noncompliance with safety requirements, including required reporting and training. In addition, the rule amendment will address new requirements found in SB 590. The amendment will also revise safety requirements based on feedback received over the past school year, including with respect to Alyssa’s Alert implementation, integration with local public safety answering point infrastructure, and threat assessment requirements.

SUMMARY: To incorporate changes made by Senate Bill 590 (2021) such as parent notification of certain serious incidents, as well as more detailed guidance related to the implementation of Alyssa’s Alert from Senate Bill 70 (2020). The rule will clarify specific safety measures that public schools are required to meet.

**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: This rule largely codifies existing requirements relating to school safety, reporting, and training that are already found in statute. Requirements relating to monitoring by the Office of Safe Schools are able to be absorbed into existing budgets. 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 this rule.

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

RULEMAKING AUTHORITY: 1001.02(2)(n), 1001.11(9), 1001.212(14), F.S.

LAW IMPLEMENTED: 1001.11(9), 1001.212(4), 1001.212(12), 1001.212(14), 1001.212(15), 1006.07(4), 1006.07(6), 1006.07(7), 1006.07(9), 1006.12(5), 1006.1493, F.S.

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

DATE AND TIME: October 20, 2021, 9:00 a.m.

PLACE: Caribe Royale Orlando, 8101 World Center Drive, Sierra Ballroom A & B, Orlando, FL 32821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brooks Rumenik, Deputy Director, Office of Safe Schools, Florida Department of Education, brooks.rumenik@fldoe.org.

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

**6A-1.0018 School Safety Requirements and Monitoring**

(1) through (7) No change.

(8) Alyssa’s Alert. Beginning with the 2021-22 school year, school districts are required to implement a mobile panic alert system that meets all requirements of Section 1006.07(4)(c), F.S. Districts are authorized to select, free of charge, a system under Department contract, or locally fund a system of their choice. The systems under contract with the Department are posted at <http://www.fldoe.org/safe-schools/>.

(a) Mobile panic alert systems must include mobile devices placed throughout each school campus. In determining the number and placement of devices needed to afford all staff members the ability to silently and easily activate a panic alert in the event of an on-campus emergency, districts must consider using a combination of fixed panic alert buttons, mobile and desktop applications, landline phone capabilities, and wearable panic alerts (such as on a lanyard).

(b) By August 1, 2022, school districts must include Alyssa’s Alert in their local emergency policies and procedures required by Section 1006.07(4)(a), F.S. The Alyssa’s Alert policies and procedures must be developed in consultation with the county 911 authority and local emergency management office to ensure that the system selected by the district integrates with local public safety answering point (PSAP) infrastructure to transmit calls and mobile activations.

(9) No change.

(10) Threat assessment teams.

(a) through (g) No change.

(h) Notification to Parents.

1. Each district must establish policies to provide notification to parents of threats and unlawful acts or significant emergencies as defined in Section 1006.07(4)(b), F.S., that occur on school grounds, during school transportation, or during school-sponsored activities.

2. District policies must address the timing, content, scope, and manner of notification, circumstances when law enforcement must be consulted, and the person or entity with responsibility for parental notification, and involvement of the threat assessment team. In making these determinations, district policies must take into consideration the nature of the reported threat or incident, whether the threat or incident is ongoing or resolved, whether the threat is transient or substantive, and whether there is an imminent threat of harm to students and the campus community.

3. In the case of an imminent threat of harm to students, including an active assailant incident or hostage situation, notification to parents must be made as soon as practicable. Such notification should be made in consultation with local law enforcement and first responders in order to avoid compromising the safety of students and the efficacy of the emergency response and investigation.

4. In determining the content of notifications to parents, districts must consider including specific information about the threat or incident necessary to inform parents and safeguard the community as determined by the threat assessment team, or other person or entity responsible for parent notification. Such information may include the date and time of the incident, the location and nature of the threat or incident, how and whether the threat or incident was resolved, a description of the suspect (where applicable), crime prevention and safety tips, and crime and threat reporting information.

5. Notifications must be made in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, 34 C.F.R. Part 99, and Section 1002.22, F.S.

(11) through (14) No change.

(15) Emergency drills.

(a) Active ~~assailant shooter~~ and hostage situation drills must be conducted at least as often as fire drills are required by the Florida Fire Prevention Code, as adopted by the State Fire Marshal, available at [www.myfloridacfo.com](http://www.myfloridacfo.com).

(b) Districts must document completion of emergency drills at all school facilities in the district.

(c) Active assailant and hostage situation drills must be conducted in accordance with developmentally appropriate and age-appropriate procedures. Districts are authorized to develop policies that provide for accommodations for drills conducted by exceptional student education (ESE) centers, as defined in Section 1003.57(1)(a)1.a., F.S. District accommodations for drills conducted at ESE centers, if any, must be included in the

written policies and procedures for exceptional students that are submitted to the Department in accordance with Rule 6A-6.03411(2), F.A.C.

(16) through (21) No change.

Rulemaking Authority 1001.02(2)(n) FS. Law Implemented 1001.11(9), 1001.212(4), (12), (14), (15), 1006.07(6), (7), (9), 1006.12(5), 1006.1493, FS. History—New 7-14-21,

NAME OF PERSON ORIGINATING PROPOSED RULE: Brooks Rumenik, Deputy Director, Office of Safe Schools.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 25, 2021

**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: RULE TITLE:

6A-6.0571: Career and Technical Education and Adult

General Education Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: To adopt new postsecondary lower division career and technical education programs that institutions may offer effective Spring 2022. This will include the adoption of 2 new career certificate programs: Industrial Machinery and Controls Technician (1,200 clock hours) and Certified Production Technician (300 clock hours) and 2 college credit certificates (CCC). The first CCC is Small Unmanned Aircraft Systems and Applications (24 credit hours) that is a stackable credential toward the award of the Unmanned Vehicle Systems Operations AS degree. The second CCC is Intelligence Studies (16 credit hours) that is a stackable credential toward the Computer-Related Crime Investigations AS degree.

SUMMARY: Pursuant to s. 1004.92, F.S. the Department is responsible for developing program standards and industry-driven benchmarks for career and technical education and adult general education programs. The criteria for qualification of individual courses for inclusion in secondary and postsecondary career education programs and adult general education programs prescribed in Workforce Education programs are annually adopted by the State Board and are published by the Commissioner on the Department's website. Upon approval of the 4 curriculum frameworks, they will be added to and included in the 2021-2022 academic year statewide inventory of curriculum frameworks.

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 Career and Technical Education Standards and Industry-Driven Benchmarks and Adult General Education Standards provide secondary and postsecondary district institutions and the state college institutions a framework for providing these educational programs. These frameworks contain rigorous standards and benchmarks determined to be necessary for student success in college and careers in the selected programs. 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. 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, 1004.92(2)(b)(3), F.S.

LAW IMPLEMENTED: 1003.4282, 1004.92(2)(b)(4), F.S.

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

DATE AND TIME: October 20, 2021, 9:00 a.m.

PLACE: Caribe Royale Orlando, 8101 World Center Drive, Sierra Ballroom A & B, Orlando, FL 32821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathleen Taylor, Division of Career and Adult Education, (850)245-9062.

THE FULL TEXT OF THE PROPOSED RULE IS:

**6A-6.0571 Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks.**

(1) Section 1004.92, F.S., requires the Department of Education to develop program standards and industry-driven benchmarks for career and technical education and adult and community education programs. The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs prescribed in Section 1011.80, F.S., or Workforce Development Education programs as prescribed in Section 1011.62, F.S., are annually adopted by the State Board and shall be published by the Commissioner in the curriculum frameworks, as follows:

“Agriculture, Food & Natural Resources

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13211>) Effective July 2021,”

“Architecture & Construction

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13280>) Effective July 2021,”

“Arts, A/V Technology & Communication

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13281>) Effective July 2021,”

“Business, Management & Administration

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13282>) Effective July 2021,”

“Education & Training

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13283>) Effective July 2021,”

“Energy

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13284>) Effective July 2021,”

“Finance

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13285>) Effective July 2021,”

“Government & Public Administration

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13286>) Effective July 2021,”

“Health Science

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13287>) Effective July 2021,”

“Hospitality & Tourism

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13288>) Effective July 2021,”

“Human Services

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13289>) Effective July 2021,”

“Information Technology

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13290>) Effective July 2021,”

“Law, Public Safety & Security

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13291>) Effective ~~November~~ July 2021,”

“Manufacturing

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13292>) Effective ~~November~~ July 2021,”

“Marketing, Sales & Service

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13293>) Effective July 2021,”

“Engineering and Technology Education

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13294>) Effective July 2021,”

“Transportation, Distribution & Logistics

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13295>) Effective ~~November~~ July 2021,”

“Additional CTE Programs/Courses

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13296>) Effective July 2021,” and  
 “Adult General Education  
 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13297>) Effective July 2021

These frameworks are hereby incorporated by reference in this rule. Copies of these publications may be obtained from the Division of Career and Adult Education, Department of Education, The Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399 or from the Department’s website at <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2021-22-frameworks> and <http://www.fldoe.org/academics/career-adult-edu/adult-edu/2021-2022-adult-edu-curriculum-frameworko.stm>.

(2) No change.

Rulemaking Authority 1001.02, 1003.4282(12), 1004.92(2)(b)3. FS. Law Implemented 1004.92(2)(b)4., 1003.4282 FS. History—New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, 1-23-00, 7-21-08, 4-21-09, 5-3-10, 10-25-11, 6-18-12, 5-21-13, 5-18-14, 5-19-15, 6-23-16, 4-25-17, 4-30-18, 9-18-18, 6-25-19, 6-16-20, 2-16-21, 7-14-21,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Kathleen Taylor, Division of Career and Adult Education.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 2, 2021

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-20.0282 Dual Enrollment Scholarship Program

PURPOSE AND EFFECT: To establish a processes for the implementation of s. 1009.30, Florida Statutes, the Dual Enrollment Scholarship Program.

SUMMARY: Rule establishes the requirements and process for eligible postsecondary institutions to request reimbursement for tuition and instructional materials costs for private and home education students’ participation in dual enrollment for the fall, spring and summer terms. Rule also provides the requirements and the processes for eligible postsecondary institutions to request reimbursement for the tuition and instructional materials for the public school students’ participation in dual enrollment during the summer term(s).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This new rule codifies statutory requirements relating to the Dual Enrollment Scholarship Program, which reimburses eligible postsecondary institution for costs related to dual enrollment. The articulation agreements are already required in existing law (s. 1007.271) and reporting requirements are minimal and expected to be absorbed by existing staff and budget. This proposed rule is not expected to have any adverse impact on economic growth. Business competitiveness, or 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 this new rule.

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

RULEMAKING AUTHORITY: 1009.30, F.S.

LAW IMPLEMENTED: 1009.30, F.S.

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

DATE AND TIME: October 20, 2021, 9:00 a.m.

PLACE: Caribe Royale Orlando, 8101 World Center Drive, Sierra Ballroom A & B, Orlando, FL 32821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Parker Campbell, Director, State Scholarship & Grant Programs, [parker.campbell@fldoe.org](mailto:parker.campbell@fldoe.org).

THE FULL TEXT OF THE PROPOSED RULE IS:

**6A-20.0282 Dual Enrollment Scholarship Program**

(1) Purpose. The purpose of this rule is to set forth criteria and reporting requirements for the Dual Enrollment Scholarship Program, which provides eligible postsecondary institutions with reimbursement for tuition and instructional materials costs for dual enrollment students.

(2) Definitions.

(a) “Department” means the Florida Department of Education.

(b) “Eligible institution” means a Florida College System institution; State University System institution; a district-sponsored career center established under Section 1001.44, F.S.; or, an independent postsecondary institution eligible for participation in dual enrollment under Section 1011.62(1)(i), F.S.

(c) “Eligible student” means a secondary public, private, or home education student who meets all requirements for dual enrollment, as provided in Section 1007.271, F.S.

(d) “Home education articulation agreement template” means a standardized home education articulation agreement that is signed by home education students participating in dual enrollment pursuant to Section 1007.271(13)(a)3., F.S.

(e) “Instructional materials” means educational materials for use within a postsecondary course, which may be available in printed or digital format, and includes fees for digital access codes.

(3) Institutional Eligibility.

(a) For dual enrollment courses taken by public school and private school students, eligible institutions must submit an articulation agreement with the school district or private school, as applicable, which meets the requirements of Section 1007.271, F.S.

(b) For dual enrollment courses taken by home education students, eligible institutions must submit a home education articulation agreement template which meets the requirements of Section 1007.271, F.S.

(c) Institutions may apply for reimbursement for tuition and instructional materials costs for courses eligible for dual enrollment under Section 1007.271(1) and (2), F.S., taken by eligible students during the following terms:

1. For private school and home education students, postsecondary institutions may seek reimbursement for dual enrollment courses taken in Fall, Spring, or Summer terms beginning in Fall 2021.

2. For public school students, postsecondary institutions may seek reimbursement for dual enrollment courses taken during the Summer term, beginning in Summer 2022.

(d) Eligible institutions must submit the institutional application for state aid funds in accordance with Rule 6A-20.002(1)(j), F.A.C.

(4) Reporting. For each student enrolled in a dual enrollment course for which an eligible postsecondary institution is seeking reimbursement of tuition and instructional materials costs, the institution must report the following information to the Department’s Office of Student Financial Assistance via the Disbursement Eligibility Report (DER) tool, available at <https://www.floridastudentfinancialaidsg.org/>.

(a) Unique student identifier (school identification number, social security number, or other identifier used by the postsecondary institution);

(b) First name, last name, and middle initial;

(c) Date of birth;

(d) Gender;

(e) Ethnicity;

(f) Student type (private, home education, or public school);

(g) District where student attends school;

(h) School name and Master School Identification Number (MSID), as provided in Rule 6A-1.0016, F.A.C., where the student attends school;

(i) Postsecondary institution where the student is enrolled in dual enrollment;

(j) Postsecondary course name, course number, and credit value for each dual-enrollment course for which reimbursement is sought; and,

(k) Amount of requested reimbursement for instructional materials.

(5) Non-reimbursed tuition, fees, or other costs related to dual enrollment may not be charged to or passed along to students.

Rulemaking Authority 1001.02(2)(n), 1009.30(9), FS. Law Implemented 1009.30 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Parker Campbell, Director, State Scholarship & Grant Programs.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 26, 2021

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

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

PURPOSE AND EFFECT: The purpose of the rule amendment is to update and clarify the rule language regarding online classes or through live synchronous streaming.

SUMMARY: Clarify and update rule language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at

its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

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

LAW IMPLEMENTED: 456.013(6), (8), (9), 456.025(7), 456.036(10), 460.408 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina McGinnis, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257; (850)488-0595 or by electronic mail – Christina.McGinnis@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) Required Hours. For the purpose of renewing a license, an applicant must demonstrate to the Board that he or she participated in at least forty (40) contact classroom hours (twenty-four (24) for Certified Chiropractic Physicians Assistants) of continuing chiropractic education during the past two (2) years. Only those contact classroom hours earned at Board approved continuing education courses or which comply with the provisions of this rule are acceptable. For purpose of this rule, the term “contact classroom hour” shall mean fifty (50) minutes of instruction offered through in-person courses or through online attendance continuing education courses complying with subsection (3). ~~Live Through the current licensure renewal biennium which ends March 31, 2022, live, synchronous online (“virtual live”) courses shall be considered to be in-person courses, and shall be approved pursuant to the approval criteria for in-person courses. Beginning with the next renewal biennium, beginning April 1, 2022, the current rule requirements regarding in-person vs. online are restored.~~

(2) No change.

(3) Online Attendance Continuing Education.

(a) through (b) No change.

(c) Online Hours Allowed. ~~During the current biennium which ends March 31, 2022, A~~ licensee may elect to obtain all required continuing education hours through online attendance continuing education courses. ~~Beginning April 1, 2022, the~~

~~current limitation of ten (10) online attendance continuing education hours is restored.~~

(d) No change.

(4) through (7) No change.

Rulemaking Authority 456.013, 456.025(7), 460.408(3) FS. Law Implemented 456.013(6), (8), (9), 456.025(7), 456.036(10), 460.408 FS. History—New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, 4-17-05, 11-14-06, 11-13-07, 7-1-09, 5-17-10, 8-22-11, 10-21-12, 7-10-13, 7-8-15, 11-15-16, 5-30-17, 1-22-18, 8-5-18, 9-5-19, 7-22-21, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 13, 2021

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: RULE TITLE:

64B5-12.013 Continuing Education Requirements; Specific Continuing Education Course Requirements; and Cardiopulmonary Resuscitation (CPR) Certification

PURPOSE AND EFFECT: The purpose of the amendment is to update continuing education course approved providers.

SUMMARY: Add an additional approved provider of Dental Hygiene CE.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.013(9), 456.0301, 456.031, 466.004(4), 466.0135, 466.014 FS.

LAW IMPLEMENTED: 456.013(9), 456.0301, 456.031, 456.033, 466.0135, 466.014, 466.017(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: Jessica Sapp, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258; Jessica.Sapp@myflhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

**64B5-12.013 Continuing Education Requirements; Specific Continuing Education Course Requirements; and Cardiopulmonary Resuscitation (CPR) Certification.**

(1) through (5) No change.

(6) Award of Continuing Education Credit: Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry or dental hygiene and only if received through the following methods:

(a) No change.

(b) By taking courses offered by:

1. through 7. No change.

8. The American Academy of Dental Hygiene.

(c) through (i) No change.

Rulemaking Authority 456.013(9), 456.0301, 456.031, 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.013(9), 456.0301, 456.031, 456.033, 466.0135, 466.014, 466.017(4) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04, 7-13-05, 2-14-06, 12-25-06, 10-10-10, 4-19-18, 8-6-18, 12-11-19, .

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 13, 2021

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: RULE TITLE:

64B5-13.005 Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of the amendment is to add penalty ranges to the guidelines.

SUMMARY: Additional penalty ranges for Telehealth Registrants, as authorized by Chapter 2020-156, Laws of Florida; establish penalty ranges for violations of new paragraphs 456.072(1)(rr) and (ss), F.S. authorized by Chapters 2021-190 and 2021-199, LOF.

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

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

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

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

RULEMAKING AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 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: Jessica Sapp, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258; Jessica.Sapp@myflhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

**64B5-13.005 Disciplinary Guidelines.**

(1) When the Board finds an applicant, licensee, ~~or~~ certificate holder, or telehealth registrant whom it regulates under chapter 466, F.S., has committed any of the acts set forth in section 456.072(1), ~~or~~ 466.028, or 456.47, F.S., it shall issue

a final order imposing appropriate penalties as recommended in these disciplinary guidelines. For any violation found that is for fraud or making a false or fraudulent representation, the Board will impose a fine of \$10,000.00 per count or offense. The use of terms to describe the offenses herein within the individual guidelines is intended to be only a generally descriptive use of the terms. For an accurate description of the actual offenses, the reader should refer to the statutory disciplinary provisions. The maximum penalties set forth in any individual offense guideline include all of the less severe penalties that would fall in between the maximum and the minimum penalties stated. For telehealth registrants, a suspension may be accompanied by a corrective action plan that addresses the conduct which resulted in the underlying disciplinary violations. The Board may require a corrective action plan be completed prior to reinstatement of the suspended registration or the corrective action plan may follow a suspension for a definite term.

VIOLATION	PENALTY RANGE			
	MINIMUM	MAXIMUM	TELEHEALTH REGISTRANT MINIMUM	TELEHEALTH REGISTRANT MAXIMUM
(a) Attempting to obtain, obtaining or renewing a license by bribery, fraudulent misrepresentations or error of the Board. (Sections 466.028(1)(a), 456.072(1)(h), F.S.)				
First Offense	Denial \$500 fine and referral to State Attorney's office if not licensed.	Denial/revocation \$10,000 fine and referral to State Attorney's office if not licensed.	Denial of Application	Revocation or Denial of Application

Second Offense	Probation with conditions \$500 fine.	Revocation \$10,000 fine permanent denial and revocation.	Revocation or Denial	Same.
(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. (Sections 466.028(1)(b), 456.072(1)(f), F.S.)				
First Offense	\$1,000 fine.	Suspension/denial until the license is unencumbered and active in the jurisdiction in which the disciplinary action was originally taken, or up to five years followed by probation and \$10,000 fine or revocation.	Letter of Reprimand.	One (1) year Suspension or Denial of Application
Second Offense	Imposition of discipline which would	Suspension until the license is unencumbered in the	One (1) month suspension.	Three (3) year Suspension



	have been imposed if the substantive violation occurred in Florida. Probation and \$1,000 fine.	jurisdiction in which disciplinary action was taken and \$10,000 fine.		
Third Offense	One year suspension followed by probation and \$5,000 fine.	Revocation and permanent denial and \$10,000 fine.	One (1) year suspension.	Revocation
(c) Guilty of a crime directly relating to practice or ability to practice. (Sections 466.028(1)(c), 456.072(1)(c), F.S.)				
First Offense	\$1,000 fine.	Denial or 2 years suspension, 2 years probation with conditions and \$10,000 fine, or revocation.	One (1) month Suspension	Three (3) year Suspension or Denial of Application
Second Offense	One year suspension followed by probation and \$1,000 fine.	Denial or revocation and \$10,000 fine, with conditions.	Six (6) month Suspension	Revocation

Third Offense	Revocation and \$2,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form. (Section 466.028(1)(d), F.S.)				
First Offense	\$500 fine.	1 year probation with conditions and \$10,000 fine.	One (1) month Suspension	One (1) year Suspension or Denial of Application
Second Offense	1 year probation with conditions and \$3,000 fine.	1 year suspension 2 years probation with conditions and \$10,000 fine.	Six (6) month Suspension	Eighteen (18) month Suspension
Third Offense	2 years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(e) Advertising, practicing, or attempting to practice under a name other than one's own. (Section 466.028(1)(e), F.S.)				

First Offense	\$1,000 fine.	1 year suspension and \$10,000 fine.	Reprimand	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and \$3,000 fine.	Denial or revocation and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	Probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(f) Failing to report any person in violation of this chapter or of the rules of the department or the board. (Sections 466.028(1)(f), 456.072(1)(i), F.S.)				
First Offense	\$500 fine.	1 year probation with conditions and \$1,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	1 year probation with conditions and \$1,000 fine.	6 months suspension, 1 year probation with conditions and \$3,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	1 year probation with conditions	1 year suspension, 1 year probation	One (1) year Suspension	Revocation

	and \$3,000 fine.	with conditions and \$5,000 fine.		
(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene. (Sections 466.028(1)(g), 456.072(1)(j), F.S.)				
First Offense	\$1,000 fine.	6 months suspension, 1 year probation with conditions and \$10,000 fine.	Reprimand or Denial of Application	One (1) year Suspension or Denial of Application
Second Offense	1 year suspension, 2 years probation with conditions and \$5,000 fine.	2 years suspension, 2 years probation with conditions and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	2 years suspension followed by 2 years probation with conditions and \$10,000 fine.	Denial/revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(h) Being employed by any corporation,				

organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists to practice dentistry. (Section 466.028(1)(h), F.S.)				
First Offense	\$1,000 fine.	2 years probation with conditions and up to suspension, and \$10,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application
Second Offense	1 year probation with conditions, reprimand and \$3,000 fine.	Suspension, 1 year probation with conditions and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	1 year suspension, reprimand and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(i) Failing to perform any statutory or legal obligation placed upon a licensee. (Sections 466.028(1)(i)				

, 456.072(1)(k), F.S.)				
First Offense	\$500 fine.	2 years probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	1 year probation with conditions and \$1,000 fine.	2 years probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	2 years probation with conditions and \$2,000 fine.	1 year suspension and \$10,000 fine.	One (1) year Suspension	Revocation
(j) Making or filing a false report, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing. (Sections 466.028(1)(j), 456.072(1)(l), F.S.)				
First Offense	\$1,000 fine.	1 year probation with conditions and up to suspension, and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	1 year probation	Suspension, probation	Six (6) month	One (1) year

	with conditions and \$2,500 fine.	with conditions and \$10,000 fine.	Suspension	Suspension
Third Offense	2 years probation with conditions and \$5,000 fine.	Denial/revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(k) Sexual battery, as defined in chapter 794, F.S., upon a patient. (Section 466.028(1)(k), F.S.)				
First Offense	6 months suspension followed by probation and \$2,500 fine.	Denial or revocation and \$10,000 fine.	Denial or Revocation	Same.
Second or Subsequent Offense	5 years suspension followed by probation with conditions and \$5,000 fine.	Denial/revocation and \$10,000 fine.	Denial or Revocation	Same.
(l) Making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry. (Sections 466.028(1)(l)				

456.072(1)(a), F.S.)				
First Offense	\$1,000 fine.	6 months probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	1 year probation with conditions and \$1,000 fine.	6 months suspension and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	2 years probation with conditions and \$2,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(m) Failing to keep written records and history justifying the course of treatment of the patient. (Section 466.028(1)(m), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$7,500 fine.	Reprimand.	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and \$1,000 fine.	Suspension and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	Probation with conditions and	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation

	\$2,500 fine.			
(n) Failing to make available to a patient or client, copies of documents which relate to the patient or client. (Section 466.028(1)(n), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$7,500 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	\$2,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(o) Performing professional services which have not been authorized by the patient or client. (Section 466.028(1)(o), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$8,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	Probation with conditions	Suspension and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension

	and \$2,500 fine.			
Third Offense	Probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(p) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug or controlled substance, other than in the course of the professional practice of the dentist. (Section 466.028(1)(p), F.S.)				
First Offense	\$500 fine.	Probation with conditions, \$10,000 fine and up to suspension.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	Probation with conditions and \$2,500 fine.	Suspension and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Suspension followed by probation and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(q) Prescribing				

any medicinal drug scheduled in chapter 893, F.S., to herself or himself. (Section 466.028(1)(q), F.S.)				
First Offense	\$500 fine.	Suspension followed by probation with conditions and \$10,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and \$2,500 fine.	Suspension and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	Suspension followed by probation and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(r) Prescribing any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug, pursuant to chapter 893, F.S. (Section 466.028(1)(r), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions	Reprimand.	One (1) year Suspension

		and \$10,000 fine.		or Denial of Application
Second Offense	Probation with conditions and \$2,500 fine.	Suspension followed by probation and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	Probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(s) Being unable to practice her or his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. (Sections 466.028(1)(s), 456.072(1)(z), F.S.)				
First Offense	Denial, or suspension until licensee petitions the Board and		Denial of Application or Suspension until demonstrati on of ability	Two (2) year suspension, demonstrati on of ability with

	demonstrates ability to practice with reasonable skill and safety, followed by probation with conditions and up to \$5,000 fine.		to practice with reasonable skill and safety.	reasonable skill and safety as condition of reinstatement.
Second Offense	Denial, or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety, followed by probation with conditions and up to \$5,000 fine.	Suspension followed by probation and \$10,000 fine	Two (2) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.	Revocation
Third Offense	Denial, or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety,	Revocation and \$10,000 fine.	Five (5) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.	Revocation

	followed by probation with conditions and up to \$10,000 fine.			
(t) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene. (Section 466.028(1)(t), F.S.)				
First Offense	\$2,500 fine.	Probation with conditions and \$8,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	Probation with conditions and \$8,000 fine.	Suspension followed by probation and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Probation with conditions and \$10,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(u) Failure to provide and maintain reasonable sanitary facilities and conditions. (Section 466.028(1)(u), F.S.)				
First Offense	\$500 fine.	Probation with conditions	Not Applicable to Telehealth	

		and \$8,000 fine.	Registrants.	
Second Offense	Probation with conditions and \$3,000 fine.	Suspension, probation with conditions and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	Probation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
(v) Failure to provide adequate radiation safeguards. (Section 466.028(1)(v), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$8,000 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Probation with conditions and \$3,000 fine.	Suspension followed by probation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	Probation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
(w) Performing any procedure which would constitute experimentation on human subjects, without first obtaining				

full, informed, and written consent. (Section 466.028(1)(w), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$3,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	Probation with conditions and \$3,500 fine.	Suspension followed by probation and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Suspension followed by probation and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(x) Being guilty of incompetence or negligence, including, but not limited to, being guilty of dental malpractice. (Section 466.028(1)(x), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$10,000 fine.	Reprimand or Denial of Application	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and	Suspension and \$10,000 fine.	Six (6) month Suspension	Revocation



	\$1,000 fine.			
Third Offense	\$2,500 fine.	Revocation and \$10,000 fine.	One (1) year <u>Suspension</u>	Revocation <u>Suspension</u>
(y) Practicing beyond the scope that she or he is competent to perform. (Sections 466.028(1)(y), 456.072(1)(o), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$10,000 fine.	Reprimand or Denial of Application <u>Suspension</u>	One (1) year <u>Suspension</u>
Second Offense	Probation with conditions and \$1,000 fine.	Suspension and \$10,000 fine.	Six (6) month <u>Suspension</u>	Revocation
Third Offense	\$2,500 fine.	Revocation and \$10,000 fine.	One (1) year <u>Suspension</u>	Revocation
(z) Delegating or contracting for professional responsibilities to a person who is not qualified to perform them. (Sections 466.028(1)(z), 456.072(1)(p), F.S.)				

First Offense	\$2,500 fine.	Probation with conditions, \$10,000 fine and suspension.	Reprimand or Denial of Application <u>Suspension</u>	One (1) year <u>Suspension</u>
Second Offense	Probation with conditions and \$5,000 fine.	Suspension followed by probation and \$10,000 fine.	Six (6) month <u>Suspension</u>	Revocation
Third Offense	Probation with conditions and \$7,500 fine.	Revocation and \$10,000 fine.	One (1) year <u>Suspension</u>	Revocation
Any violation of section 466.028(1)(z), F.S., will result in a minimum licensure suspension of six months, in addition to any other penalty authorized for this violation, except where revocation is imposed.				
(aa) The violation of a lawful order of the board, or failure to comply with subpoena of the board or department. (Sections 466.028(1)(a), 456.072(1)(q), F.S.)				
First Offense	\$5,000 fine.	Suspension until compliant with order or subpoena, probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month <u>Suspension</u> or Denial of Application
Second Offense	\$10,000 fine.	Suspension until compliant with order or	Six (6) month <u>Suspension</u>	One (1) year <u>Suspension</u>

		subpoena followed by probation with conditions and \$10,000 fine.		
Third Offense	Revocation and \$10,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(bb) Conspiring with another licensee or with any person to commit an act, which would tend to coerce, intimidate, or preclude another licensee from advertising services. (Section 466.028(1)(b), F.S.)				
First Offense	\$1,000 fine.	\$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	Probation with conditions and \$2,500 fine.	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Probation with conditions and \$5,000 fine.	Suspension and \$10,000 fine.	One (1) year Suspension	Revocation
(cc) Being adjudged				

					mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication. (Section 466.028(1)(c), F.S.)
First and any subsequent offense.	Suspension until adjudged competent by same court	Suspension until adjudged competent by same court.	Denial of Application or suspension until adjudged competent by same court.	Same.	
(dd) Presigning blank prescription or laboratory work order forms. (Section 466.028(1)(d), F.S.)					
First Offense	\$500 fine.	Probation with conditions and \$500 fine.	Reprimand.	Six (6) month Suspension or Denial of Application	
Second Offense	\$1,000 fine.	Probation with conditions and \$7,500 fine.	Six (6) month Suspension	One (1) year Suspension	
Third Offense	Probation with conditions and \$2,500 fine.	Suspension and \$10,000 fine.	One (1) year Suspension	Revocation	
(ee) Prescribing					

growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. (Section 466.028(1)(e), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	Reprimand or Denial of Application	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and \$2,500 fine	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	\$5,000 fine.	Suspension and \$10,000 fine.	One (1) year Suspension	Revocation
(ff) Operating a dental office such as to result in dental treatment that is below minimum acceptable standards of performance for the community. (Section 466.028(1)(ff)				

(g), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	Probation with conditions and \$2,500 fine.	Suspension and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Probation with conditions and \$4,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(gg) Administering anesthesia in a manner which violates rules of the board. (Section 466.028(1)(g), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Probation with conditions and \$2,500 fine.	Suspension and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	Probation with conditions and \$4,000 fine.	Revocation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
(hh) Failing to report any licensee under chapter				

458 or 459, F.S., who the dentist knows has violated the grounds for disciplinary action. (Section 466.028(1)(h), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	\$2,500 fine.	\$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	\$3,500 fine.	\$10,000 fine.	One (1) year Suspension	Revocation
(ii) Failing to report to the board, within 30 days action has been taken against one's license to practice dentistry in another state, territory, or country. (Section 466.028(1)(ii), F.S.)				
First Offense	\$1,000 fine.	Denial, revocation and \$8,000 fine.	Reprimand or Denial of Application	One (1) year Suspension or Denial of Application
Second Offense	Probation and \$1,500	Denial, revocation and \$10,000	Six (6) month Suspension	Revocation

	fine.	fine.		
Third Offense	Suspension followed by probation and \$3,000 fine.	Denial, revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(jj) Advertising specialty services in violation of this chapter. (Section 466.028(1)(jj), F.S.)				
First Offense	\$1,000 fine.	\$7,500 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	\$2,500 fine.	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Probation with conditions and \$5,000 fine.	Suspension followed by probation and \$10,000 fine.	One (1) year Suspension	Revocation
(kk) Allowing any person to interfere with a dentist's clinical judgment. (Section 466.028(1)(k), F.S.)				
First Offense	\$1,000 fine.	\$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application

Second Offense	Probation with conditions and \$2,500 fine.	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Probation with conditions and \$5,000 fine.	Suspension and \$10,000 fine.	One (1) year Suspension	Revocation
(ll) Violating any provision of Chapters 456 and 466, F.S., or any rules adopted pursuant thereto. (Sections 466.028(1)(m), 456.072(1)(b), 456.072(1)(d), F.S.)				
First Offense	\$750 fine.	Probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	Probation with conditions and \$1,000 fine	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Probation with conditions and \$2,500 fine.	Suspension followed by probation and \$10,000 fine.	One (1) year Suspension	Revocation
(mm) Failing to comply with the educational course				

requirements for HIV. (Section 456.072(1)(e), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$1,500 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	\$1,000 fine.	Probation with conditions and \$5,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	\$1,500 fine.	Probation with conditions and \$7,500 fine.	Not Applicable to Telehealth Registrants.	
(nn) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$8,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	\$3,500 fine.	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension

Third Offense	Probation with conditions and \$5,000 fine.	Suspension and \$10,000 fine.	One year Suspension (1)	Revocation
(oo) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m)), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$8,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application
Second Offense	\$3,500 fine.	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	One (1) year Suspension
Third Offense	Probation with conditions and \$5,000 fine.	Suspension and \$10,000 fine.	One year Suspension (1)	Revocation
(pp) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a				

third party. (Section 456.072(1)(n), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	Reprimand or Denial of Application	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and \$2,500 fine.	Suspension and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	Probation with conditions and \$3,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(qq) Wrong patient, wrong-site procedure, a wrong procedure, medically unnecessary. (Section 456.072(1)(b) b), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine	Reprimand or Denial of Application	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and \$2,000 fine.	Suspension followed by probation with conditions and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	Suspension followed by probation	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation

	with conditions and \$3,000 fine.			
(rr) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Probation with conditions and \$2,500 fine.	Suspension followed by probation and \$10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ss) Failing to comply with the educational course requirements for domestic violence. (Section 456.072(1)(s), F.S.)				
First Offense	\$500 fine.	Probation with	Not Applicable	

		conditions and \$2,500 fine.	to Telehealth Registrants.	
Second Offense	Probation with conditions and \$1,000 fine.	Probation with conditions and \$4,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	\$2,500 fine.	Probation with conditions and \$8,000 fine.	Not Applicable to Telehealth Registrants.	
(tt) Failing to comply with sections 381.026 and 381.0261, F.S., patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$2,500 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Probation with conditions and \$1,000 fine.	Probation with conditions and \$4,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	\$2,500 fine.	Probation with conditions and \$8,000 fine.	Not Applicable to Telehealth Registrants.	
(uu) Engaging or attempting to engage in sexual misconduct as defined				

and prohibited in section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)				
First Offense	\$2,500 fine.	Revocation or probation with conditions and \$10,000 fine.	One (1) year suspension.	Revocation or Denial of Application
Second Offense	Probation with conditions and \$5,000 fine.	Suspension followed by probation with conditions or revocation, and \$10,000 fine.	Revocation	Same
Third Offense	Suspension followed by probation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	Revocation	Same
(vv) Failing to report to the board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x))				

, F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$10,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application
Second Offense	Probation with conditions and \$1,000 fine.	Probation with conditions and \$10,000 fine.	Six (6) month Suspension	Revocation
Third Offense	Suspension followed by probation with conditions and \$2,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension	Revocation
(ww) Using information about people involved in motor vehicle accidents which has been derived from accident reports. (Section 456.072(1)(y), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application
Second Offense	\$1,000 fine.	Probation with conditions and \$8,000 fine.	Six (6) month Suspension	Revocation
Third Offense	\$2,500 fine.	Suspension followed by probation	One (1) year Suspension	Revocation



		and \$10,000 fine.		
(xx) Leaving a foreign body in a patient. (Section 456.072(1)(c), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Second Offense	Probation with conditions and \$2,500 fine.	Suspension followed by probation with conditions and \$10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
Third Offense	Probation with conditions and \$5,000 fine.	Suspension and/or revocation and \$10,000 fine.	<u>Not Applicable to Telehealth Registrants.</u>	
(yy) Testing positive for any drug, on any preemployment or employer-ordered drug screening. (Section 456.072(1)(a), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$8,000 fine.	<u>Reprimand.</u>	<u>Six (6) month Suspension or Denial of Application</u>
Second Offense	\$1,000 fine.	Suspension followed by probation with conditions	<u>Six (6) month Suspension</u>	<u>One (1) year Suspension</u>

		and \$10,000 fine.		
Third Offense	\$2,500 fine.	Revocation and \$10,000 fine.	<u>One (1) year Suspension</u>	<u>Revocation</u>
(zz) Intentionally submitting a personal injury protection claim required by section 627.736, F.S., statement that has been "upcoded" as defined in section 627.732, F.S. (Section 456.072(1)(e), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$8,000 fine.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application</u>
Second Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	<u>Six (6) month Suspension</u>	<u>Revocation</u>
Third Offense	\$2,500 fine.	Suspension followed by probation with conditions and \$10,000 fine.	<u>One (1) year Suspension</u>	<u>Revocation</u>
(aaa) Intentionally submitting a personal injury protection claim				

required by section 627.736, F.S., for services that were not rendered. (Section 456.072(1)(ff), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$8,000 fine.	Reprimand.	One (1) year <u>Suspension</u> or Denial of <u>Application</u>
Second Offense	\$1,000 fine.	Probation with conditions and \$10,000 fine.	Six (6) month <u>Suspension</u>	Revocation
Third Offense	\$2,500 fine.	Suspension followed by probation with conditions and \$10,000 fine.	One (1) year <u>Suspension</u>	Revocation
(bbb) Engaging in a pattern of practice of prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients or a violation of sections 893.055 and 893.0551, F.S., or law and rules relating to prescribing				

practitioners. (Section 456.072(1)(g), F.S.)				
First Offense	\$1,500 fine.	Probation with conditions and \$8,000 fine.	Reprimand.	One (1) year <u>Suspension</u> or Denial of <u>Application</u>
Second Offense	Probation with conditions and \$3,000 fine.	Suspension and \$10,000 fine.	Six (6) month <u>Suspension</u>	Revocation
Third Offense	\$5,000 fine.	Revocation and \$10,000 fine.	One (1) year <u>Suspension</u>	Revocation
(ccc) Failing to comply with, failing to successfully complete, or being terminated from an impaired practitioner treatment program. (Section 456.072(1)(h), F.S.)				
First Offense	Suspension, until compliant, followed by 2 years probation with conditions and \$2,000 fine.	Suspension until compliant, followed by 5 years probation with conditions and \$5,000 fine.	Denial of <u>Application</u> or <u>Suspension</u> until <u>Complaint</u> , followed by <u>Corrective</u> <u>Action</u> <u>Plan</u> .	Same
Second or Subsequent Offense	Three years suspension	Revocation and \$10,000 fine.	Same	Revocation

	n followed by 5 years probation with conditions and \$10,000 fine.			
(ddd)	Being convicted of, or entering a plea of nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)			
First Offense	Misdemeanor – Reprimand, \$10,000 fine, suspension.	Misdemeanor – \$10,000 fine, Felony – Revocation.	<u>Revocation</u>	<u>Revocation</u>
Second Offense	Misdemeanor – Felony – Revocation	Misdemeanor or Felony – Revocation and \$10,000 fine.	<u>Same</u>	<u>Same</u>

	\$10,000 fine.			
(eee)	Failing to remit the sum owed to the state for any overpayment from the Medicaid program pursuant to a final order, judgement, or stipulation or settlement. (Section 456.072(1)(jj), F.S.)			
First Offense	\$1,000 fine, letter of concern	\$10,000 fine suspension.	<u>Reprimand and One (1) year Suspension</u>	<u>Revocation or Denial of Application</u>
Second Offense	\$7,500 fine, reprimand	\$10,000 fine, revocation.	<u>Revocation</u>	<u>Revocation</u>
(fff)	Being terminated from the state Medicaid program pursuant to section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner			

was terminated has been restored. (Section 456.072(1)(k), F.S.)				
First Offense	\$1,000 fine, letter of concern	\$10,000 fine, suspension.	<u>Reprimand and One (1) year Suspension</u>	<u>Revocation or Denial of Application</u>
Second Offense	\$7,500 fine, reprimand	\$10,000 fine, revocation.	<u>Revocation</u>	<u>Revocation</u>
(ggg) Being convicted of, or entering a plea of guilty or nolo contendere, to any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. (Section 456.072(1)(ll), F.S.)				
First Offense	Misdemeanor – \$10,000 fine, reprimand. Felony – Revocation in \$10,000 fine.	Misdemeanor – \$10,000 fine, suspension. Felony – Revocation \$10,000 fine.	<u>Reprimand and One (1) year Suspension</u>	<u>Revocation or Denial of Application</u>
Second Offense	Misdemeanor or Felony – \$10,000 fine,	Misdemeanor or Felony – \$10,000 fine, revocation.	<u>Revocation</u>	<u>Revocation</u>

	revocation			
(hhh) Failure to comply with the controlled substance prescribing requirements of section 456.44, F.S. (Section 456.072(1)(m), F.S.)				
First Offense	Suspension of license for a period of six (6) months followed by a period of probation and an administrative fine in the amount of \$10,000.00.	Revocation and an administrative fine of \$10,000.00.	<u>Reprimand.</u>	<u>One (1) year Suspension or Denial of Application</u>
Second Offense	Suspension of license for a period of one (1) year followed by probation and an administrative fine in the amount of \$10,000.00.	Revocation and an administrative fine in the amount of \$10,000.00.	<u>Six (6) month Suspension</u>	<u>Revocation</u>
(iii) Providing false or				

deceptive expert witness testimony related to the practice of dentistry. (Section 466.028(1)(ll), F.S.)				
First Offense	Reprimand and administrative fine of \$5,000.00.	Revocation and administrative fine of \$10,000.00.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Revocation and administrative fine of \$10,000.00.	Revocation and administrative fine of \$10,000.00.	Six (6) month Suspension.	Revocation.
(jjj) Willfully failing to comply with section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business practice. (Section 456.072(1)(o), F.S.)			One (1) year Suspension.	Revocation.
First Offense	Reprimand and \$5,000 fine.	Probation with conditions and \$7,500 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Reprimand; suspension for 6 months followed by Probation		Not Applicable to Telehealth Registrants.	

	with Condition s; and \$8,000 fine.			
(kkk) Failure to comply with the parental consent requirements of s. 1014.06. (Section 456.072(1)(rr), F.S.)				
First Offense	Letter of Concern.	Reprimand and \$500 fine.	Reprimand.	One (1) month suspension.
Second Offense	Reprimand and \$250 fine.	Probation with conditions.	One (1) month suspension.	Six (6) month suspension.
Third or Subsequent Offense	Probation with conditions and \$2,500 fine.	One (1) year suspension and \$5,000 fine.	One (1) year suspension.	Denial or revocation of License.
First Offense	Letter of Concern.	Reprimand and \$500 fine.	Reprimand.	One (1) month suspension.
(lll) Being convicted or found guilty of entering a plea, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the offenses listed in s. 456.074(5), F.S. or similar offense in				

another jurisdiction. (Section 456.072(1)(ss), F.S.)				
First Offense	Denial or revocation of license.	Denial or revocation of license and \$5,000 fine.	Denial or revocation of license.	Same.
Second or Subsequent Offense	Denial or revocation of license and \$2,500 fine.	Denial/revocation of license and \$10,000 fine.	Denial or revocation of license.	Same.

(2) through (5) No change.

Rulemaking Authority 456.079(1) 456.47(7), FS. Law Implemented 456.072(2), 456.079(1), 456.47(4), 466.028 FS. History—New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06, 12-25-06, 6-11-07, 9-15-10, 12-2-10, 1-24-12, 4-25-17, 11-14-18, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2021  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 13, 2021

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NOS.: 64B5-15.008  
RULE TITLES: Fee for Renewal of Inactive License  
64B5-15.012 Change of Status Processing Fee  
PURPOSE AND EFFECT: The purpose of the amendment is to decrease the fee amount.

SUMMARY: Lower the amount from \$80 to \$70 regarding renewals of inactive licenses and change of status processing fees.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule amendment at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 466.004, 466.015, 456.036, 466.004(4) FS.

LAW IMPLEMENTED: 466.015, 456.036 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: Jessica Sapp, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258; Jessica.Sapp@myflhealth.gov

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

**64B5-15.008 Fee for Renewal of Inactive License.**

The fee for renewal of an inactive dental license shall be \$300. The fee for renewal of an inactive dental hygiene license shall be ~~\$70~~~~80~~.

Rulemaking Authority 466.004, 466.015 FS. Law Implemented 466.015 FS. History—New 4-2-84, Formerly 21G-15.08, Amended 1-18-87, 11-16-89, 8-13-92, Formerly 21G-15.008, 61F5-15.008, Amended 5-6-96, Formerly 59Q-15.008, Amended 9-27-01, 6-18-07, 9-1-15, \_\_\_\_\_.

**64B5-15.012 Change of Status Processing Fee.**

The fee for processing a licensee’s request to change status at any time other than at the beginning of a licensure cycle shall be \$300 for a dental license and ~~\$70~~~~80~~ for a dental hygiene license.

Rulemaking Authority 456.036, 466.004(4) FS. Law Implemented 456.036 FS. History—New 7-12-95, Amended 5-6-96, Formerly 59Q-15.012, Amended 9-27-01, 6-11-07, 9-1-15, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 13, 2021

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 HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-28.009 Required Continuing Education for Massage Therapists

NOTICE IS HEREBY GIVEN that on September 23, 2021, the Board of Massage Therapy, received a petition for variance and waiver filed by Haimei Yang. The Petitioner is seeking a variance or waiver of paragraph 64B7-28.009(4)(e), F.A.C., which requires that during each subsequent biennial renewal cycle, the licensee shall complete: twelve classroom hours, taught in an in-person setting, which must include hands-on instruction or demonstration, and must have stated learner objectives which are relevant to and focused on massage therapy techniques, skills, and protocols as defined in subsection 480.033(3), F.S. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-28.009 Required Continuing Education for Massage Therapists

The Board of Massage Therapy hereby gives notice: of the issuance of a Notice of Intent to Deny the Petition for Variance and Waiver, filed on July 6, 2021, by Samantha Arbelo. The Notice of Petition for Waiver and Variance was published in

Vol. 47, No. 163, of the August 23, 2021 Florida Administrative Register. Although no rule was cited it appears petitioner is requesting credit for hours spent for certification in the Feldenkrais method. Subsection 64B7-28.009(5), F.A.C. which requires that all continuing education must be completed with an approval provider. The Board considered the instant Petition at a duly-noticed public telephonic meeting held on August 25, 2021. The Board’s Order, filed on September 2, 2021, denied the petition. The Board found that the Feldenkrais method is not considered massage and should not be granted credit as continuing education. Petitioner has not shown that the purpose of the underlying statute, [Section 480.0415] will be or has been achieved by other means. Petitioner failed to establish that the purpose of the underlying statute would be met by granting a variance or waiver from subsections 64B7-28.009(4) and (5), F.A.C. The Board further finds that Petitioner failed to establish that applying the requirements of the aforementioned rule to petitioner’s circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4162, or by electronic mail, kama.monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support

RULE NO.: RULE TITLE:

64J-2.011 Trauma Center Requirements

NOTICE IS HEREBY GIVEN that on September 23, 2021, the Florida Department of Health, Division of Emergency Preparedness and Community Support, received a petition for an emergency temporary variance from the requirement of Standard III.C.7. of “Trauma Center Standards,” Department of Health Pamphlet 150-9, January 2010, as incorporated by reference into Rule 64J-2.011, Florida Administrative Code, to permit Tallahassee Memorial Healthcare, Inc., to temporarily staff its trauma center using a combination of board-certified plastic surgeons and qualified general surgeons, otolaryngologic surgeons, and/or oral/maxillofacial surgeons instead of board certified plastic surgeons or plastic surgeons who are actively participating in the certification process.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lori L. Jobe, Esq. at (850)245-4685 or by email at Lori.Jobe@flhealth.gov.

Interested persons may submit comments on the petition within 5 days of publication of this notice to Lori.Jobe@flhealth.gov.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-6.010 Facility Requirements for Class I, II and III Wildlife

The Florida Fish and Wildlife Conservation Commission hereby gives notice: On September 24, 2021, the Florida Fish and Wildlife Conservation Commission issued an Amended Order denying petitions for a waiver from subparagraph 68A-6.010(3)(b)2., F.A.C., from Ms. Gena Walck of Heaven Help Us Animal Refuge. Ms. Walck filed her first petition with the agency on June 28, 2021, and filed an emergency petition requesting a waiver from subparagraph 68A-6.010(3)(b)2., F.A.C., on July 8, 2021. Notices for the respective petitions were published in the Florida Administrative Register, Vol. 47/126, dated June 30, 2021, and Vol. 47/135, dated July 14, 2021. No comments were timely received by the agency on either petition. Subparagraph 68A-6.010(3)(b)2., F.A.C., establishes the land area requirement of two and one-half (2 ½) acres for facilities housing Class II captive wildlife. As the subject matter of Ms. Walck’s petitions concerns a request for waiver from a captive wildlife rule promulgated under the constitutional authority of the Commission, the provisions of Section 120.542, F.S., do not apply.

A copy of the Order or additional information may be obtained by contacting: Bridget K. McDonnell, Florida Fish and Wildlife Conservation Commission, Legal Office, 620 South Meridian Street, Tallahassee, FL 32399-1600, or by calling (850)487-1764.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Services and Resources Committee of the Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 28, 2021, 2:30 p.m. – 4:00 p.m.

PLACE: Teleconference: Click here to join the meeting Video Conference ID: 114 237 592 9, and (850)666-4692, Access Code: 785 822 087#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Business

A copy of the agenda may be obtained by contacting: Ned Hance at Ned.Hance@myfloridalegal.com or by accessing the board’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 the 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: Ned Hance at Ned.Hance@myfloridalegal.com by telephone at 1(813)287-7140.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2021, 3:00 p.m.

PLACE: Dial in Number- 1(888)585 9008

Conference Room- 527-059-248

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Division of Emergency Management announces a public meeting to which all persons are invited. Anyone who wants to attend, may so via conference call. At this time, the Division is not open to the public. At the time of the meeting, the Division will open and read aloud the names of Respondents that came in before the deadline of 2:30 p.m. on October 8, 2021.

The Division reserves the right to issue amendments, addenda, and changes to the Schedule of Events and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting:

Jenene Helms

Florida Division of Emergency Management

2555 Shumard Oak Blvd, Tallahassee, FL 32399

Phone: (850)815-4609

Email:

Jenene.Helms@em.myflorida.com

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



**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

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

**DATE AND TIME:** Tuesday, October 12, 2021, 9:00 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Governing Board Meeting, Workshops, Public Hearings, and/or Committee Meetings. Consideration of Suwannee River Water Management District business. All or part of this meeting may be conducted by means of communications media technology.

GoTo Webinar information regarding viewing of and participation in the meeting will be available on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com).

A copy of the agenda may be obtained by contacting: (386)362-1001 or 1(800)226-1066 (Florida only) or on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com), when published.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

**DATE AND TIME:** Wednesday, November 10, 2021, 1:30 p.m.

**PLACE:** 1(888)585-9008, Conference Room: 148-951-924, followed by #.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel meeting portions which may be closed to the public.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 2601 Blair Stone Rd. Tallahassee, FL 32399, (850)717-1981.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Board of Veterinary Medicine, 2601 Blair Stone Rd. Tallahassee, FL 32399, (850)717-1981. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Veterinary Medicine, 2601 Blair Stone Rd. Tallahassee, FL 32399, (850)717-1981.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

The Board of Dentistry- Council on Dental Hygiene announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 2, 2021, 6:00 p.m. ET

**PLACE:** Conference Call In#: 1(888)585-9008, Participation Code: 599-196-982#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss matters related to Dental Hygiene.

A copy of the agenda may be obtained by contacting: [www.floridasdentistry.gov](http://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 Dentistry**

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

**DATE AND TIME:** November 12, 2021, 9:00 a.m. ET

**PLACE:** Call In #: 1(888)585-9008, Participation Code: 599-196-982#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The panel will conduct a meeting related to public disciplinary cases.

A copy of the agenda may be obtained by contacting: [www.floridasdentistry.gov](http://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.

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#### DEPARTMENT OF HEALTH

##### Division of Children's Medical Services

The Florida Department of Health/ Division of Children's Medical Services/ Early Steps Program announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2021, 1:00 p.m. ET

PLACE: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YjU0MDA5MDItMWM1MC00NGJlTkwMWMtOGU3MTNIY2QyZjc0%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%22d7eae688-753d-413f-b322-1ef92e032e31%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjU0MDA5MDItMWM1MC00NGJlTkwMWMtOGU3MTNIY2QyZjc0%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%22d7eae688-753d-413f-b322-1ef92e032e31%22%7d)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Early Steps Compliance Stakeholder Group is conducting a meeting to assist and advise the Early Steps Program.

\*All times are approximate and may vary.\*

A copy of the agenda may be obtained by contacting: [Angela.Marcus@flhealth.gov](mailto:Angela.Marcus@flhealth.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: [Angela.Marcus@flhealth.gov](mailto:Angela.Marcus@flhealth.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [Angela.Marcus@flhealth.gov](mailto:Angela.Marcus@flhealth.gov).

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#### DEPARTMENT OF ECONOMIC OPPORTUNITY

##### Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2021, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, Call (850)988-5144, and enter phone conference ID: 858 258 410#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disposition of cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: The Reemployment Assistance Appeals Commission at [RAAC.Inquiries@deo.myflorida.com](mailto:RAAC.Inquiries@deo.myflorida.com).

SPECIAL COVID-19 CONSIDERATIONS: As the Governor of the State of Florida and Leon County have declared a state of emergency due to the COVID-19 Pandemic, the Commission must limit the manner in which the public may participate; accordingly, no member of the public may attend in person. Any interested person who would like to attend telephonically should call (850)988-5144 and enter phone conference ID: 858 258 410#.

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 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission at (850)487-2685 or [RAAC.Inquiries@deo.myflorida.com](mailto:RAAC.Inquiries@deo.myflorida.com).

EMERGENCY CANCELLATION OF MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website ([www.raac.myflorida.com](http://www.raac.myflorida.com)). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)487-2685, [RAAC.Inquiries@deo.myflorida.com](mailto:RAAC.Inquiries@deo.myflorida.com).

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#### Florida Independent Living Council

The Florida Independent Living Council, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 30, 2021, 6:30 p.m.

PLACE: To register go to: <https://bit.ly/2ZIO85B> or call (321)633-6011

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Disability Resource Center for Disability Solutions will host a public meeting where the Florida Independent Living Council, In. will gather input on the existing State Plan for Independent living (SPIL). The meeting is open to individuals with disabilities and other stakeholders in Florida. Interpreters will be available.

Persons who want to be notified of such meetings may submit a request by contacting the Florida Independent Living Council, Inc., 1882 Capital Circle NE, Suite 202, Tallahassee, Florida 32308, (850)488-5624 or Toll Free 1(877)822-1993 or email [info@floridasilc.org](mailto:info@floridasilc.org).

A copy of the agenda may be obtained by contacting: Florida Independent Living Council.

Pursuant to the Americans with Disabilities Act, accommodations for persons with disabilities are available upon request. If you have a disability and require a reasonable accommodation to fully participate in this event, please contact Beth Meyer, PA, ADA at [beth@floridasilc.org](mailto:beth@floridasilc.org), or (850)488-5624 to discuss your accessibility needs. Please allow five business days' notification to process: last minute requests will be accepted, but may not be possible to fulfill.

Central Florida Expressway Authority

The Central Florida Expressway Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 19, 2021, 5:30 p.m. – 7:30 p.m.

PLACE: In-person Meeting, Liberty High School – Cafeteria, 4250 Pleasant Hill Road, Kissimmee, FL 34745

Online/Virtual Meeting: Pre-register at: [bit.ly/SouthportMtgOct2021](http://bit.ly/SouthportMtgOct2021) (Link is case sensitive)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Project No. 599-233

Project Description: Southport Connector Expressway Project Development and Environment (PD&E) Study

The Central Florida Expressway Authority (CFX) is conducting a Project Development and Environment (PD&E) Study for the Southport Connector Expressway, a proposed 15-mile expressway connecting Poinciana Parkway to Florida's Turnpike and Canoe Creek Road.

The in-person meeting will be held in an open-house format and community members may come at any point during the meeting time to view the exhibits, ask questions and provide comments. A looping audiovisual presentation providing an overview of the study will be available for viewing throughout the meetings. The online/virtual meeting will include a presentation of the study. Audience members will be able to submit questions and comments.

Public involvement and interagency coordination have been integral to the assessment process, and opportunities for participation will continue throughout the study and design process.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require accommodations under the Americans with Disabilities Act or persons who require translation services, free of charge, should contact Kathy Putnam as noted below at least seven (7) days prior to the meeting.

A copy of the agenda may be obtained by contacting: For more information about the study, please contact Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210,

or by email at [ProjectStudies@cfxway.com](mailto:ProjectStudies@cfxway.com) or visit the study webpage at <https://rb.gy/mnta4y>. (Link is case sensitive.)

## Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from W. Wray Myers, In Re: Imperial Southgate Villas Condominium Association, Inc., Docket No. 2021032815. The petition seeks the agency's opinion as to the applicability of 718.103(9), F.S., 718.110(4), F.S., 718.115, F.S., 718.112(2)(a)2, F.S. as it applies to the petitioner.

1. Can the Board of Directors impose an "individual special assessment" for related legal costs incurred in the Board of Director's performing the Board of Director's statutory duty to respond to a unit owner's written inquiry to the Board of Directors?
2. Can the Board of Directors impose a limit on unit owners of one written inquiry submitted by certified mail in any 30 day period?
3. Can the Board of Directors impose a limit on unit owners of one subject matter with a maximum of three sub-parts per written inquiry submitted by certified mail in any 30 day period?

A copy of the Petition for Declaratory Statement may be obtained by contacting: The Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030, (850)488-1631, [lscmhpublicrecords@myfloridalicense.com](mailto:lscmhpublicrecords@myfloridalicense.com).

Please refer all comments to: James Richardson, Chief Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection (Department) issued a final order denying the Petition for Declaratory Statement filed by Mark D. Simpson on June 28, 2021. The Petition requested a determination as to the applicability of paragraph 62-6.008(1)(a), F.A.C., (formerly paragraph 64E-6.008(1)(a),

F.A.C.), System Size Determinations, as it applies to the Petitioner’s application for permitting a limited use well regulated by the Department of Health (DOH) under Chapter 64E-8, F.A.C. The following is a summary of the agency's disposition of the Petition: A Final Order Denying Petition for Declaratory Statement was issued on September 23, 2021. The order denies the Petition because the Petitioner is asking the Department for an interpretation of DOH’s Rule 64E-8.002, F.A.C., a rule over which the Department does not have authority.

A copy of the Petition and Final Order Denying Petition for Declaratory Statement may be obtained by contacting: Lea Crandall, Agency Clerk, Office of General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000, (850)245-2242, Agency\_Clerk@dep.state.fl.us during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays).

**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

Florida International University

FIU-BT-927 & 929 Trish & Dan Bell Chapel & East Loop Road Realignment-CM

The Florida International University Board of Trustees announces that construction management services are required for the project identified below:

Project Name and Number: Trish & Dan Bell Chapel & East Loop Road Realignment, BT-927 & 929

Project Location: Modesto A. Maidique Campus (MMC), Miami, Florida

Project Description:

This notice is for Construction Manager services for the combined east loop road realignment and a new chapel building to be constructed on the MMC Campus. FIU intends to merge these two projects together as one for cost efficiency and coordination of construction workflow sequencing. Individual project names and numbers from the two facilities programs will be retained to separate accounting of project components. The work on the combined project has been authorized and funded through completion of design and preconstruction services. Construction work will require additional authorization by the FIU Board of Trustees.

Project Description – Trish & Dan Bell Chapel:

FIU embraces a multi-dimensional experience for students—engaging the mind, body, and spirit – to provide the necessary foundation for our students to develop as well-rounded persons, professionals, citizens, and world changers. The Trish and Dan Bell Chapel intends to serve as the pivotal venue on campus that enhances the spiritual component of the student experience at FIU, creating a community united by faith. FIU intends to build a multifaith chapel – a quiet oasis from the fast pace of university life. Not inherently a temple, mosque, synagogue, church, or gurdwara, the chapel will be a welcoming place for all faiths. It will be a place where spiritual inquiry is encouraged and serve as a gathering place for worship, contemplation, spiritual strengthening, and understanding. It will offer a sanctuary and auxiliary spaces for ceremonies, lectures, retreats, prayer, spiritual guidance, and individual reflection. FIU hopes that the multifaith chapel will help draw individuals to deep thought and encourage them to intentions of human betterment and a commitment to action that will make a positive difference in the lives of others.

With over 16 active faith-based groups and devoted student clubs at FIU, a shared space for discovery and understanding will facilitate their work. Although FIU’s faith-based groups all

meet on campus, there is currently only one dedicated space in student-support facilities to accommodate them – a small 250-square-foot room. There is no dedicated space for directors of faith-based groups to hold office hours or meet with interested members of the university community.

Located on FIU's main campus on the lake adjacent to the Ronald W. Reagan Presidential House, the chapel will serve as a celebratory center for religious life-stage milestones and as an impromptu place of respite for any who are in need of solace and peace.

The main space in the chapel will seat up to 250 persons and there must be sufficient meeting space for leaders in our multifaith community to have offices to meet with and counsel individuals from the university community in privacy and confidence. The building should include several smaller spaces allowing for group meetings and smaller-scale events to take place simultaneously within the chapel. A small reflection room should be accessible 24/7 via a separate entrance. Per the gift agreement, there shall be an appropriately sized bell tower on the exterior of the chapel, preferably the roof.

The design challenge is to create a space which celebrates the shared values and principles of our multifaith community while not relying on the display of religious symbols. It is expected the building architecture should visually grab your attention; generating curiosity, collaboration and extend feelings of welcome and belonging. There is a desire to use elements of nature as inspiration to express the shared spiritual experience which is unique to the planet we inhabit. The design should emphasize sustainable design practice. The University is committed to producing buildings that comply with sustainable energy conservation strategies and standards (minimum LEED Silver Certification).

#### Project Description – East Loop Road Realignment:

The East Loop Road project seeks to realign a part of the original campus loop road to enhance traffic flow and improve turning radii for large vehicles servicing the Graham Center. It is intended that this project create a larger available site area east of the Graham Center Ballrooms to allow expansion of Graham Center meeting facilities as well as allowing/enhancing bus and VIP pickup, drop-off, and valet parking for Graham Center events. Partial filling of Lake #4 (a man-made borrow pit) will be required as part of this project.

This Project shall be coordinated with "Trish & Dan Bell Chapel" so that a suitable site for construction is created adjacent to Lake #4 including required drop-off, service access and clearance from lake edge. If practicable, stub-outs or sleeves shall be provided to the Chapel site so that the newly realigned road will not have to be cut for Chapel utility connections.

This Project shall include design considerations for tram, cart and/or van routes and bus stops being proposed or developed in

the area by FIU that may cross or parallel or be located on the campus loop road. Bus shelters located along the loop road in areas where it is to be realigned, shall be relocated along the realigned road.

This road realignment project may be done in two phases. The mandatory first phase is from near the entrance of Parking Lot #35 south to the north part of the traffic circle on SW 16th Street. If budget allows or additional funds become available, a second phase of work may be included to complete work north from Parking Lot #35 to the area indicated in diagrams on pages VII-1 and VIII-1 of the Program published on the project website.

Note: Applicants are hereby notified that in the event the University is unable to secure full funding, the University intends to proceed only with design and construction of fully funded project components, if any.

#### INSTRUCTIONS:

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement (CMQS) form. Proposals must not exceed 80 pages, including the CMQS and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

Submit Ten (10) bound copies of the required proposal data and one electronic copy of the complete proposal in Adobe Acrobat PDF format of the above requested data bound in the order listed. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The Construction Manager Qualifications Supplement (CMQS) form and the Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the web-site [https://facilities.fiu.edu/projects/BT-927\\_and\\_BT-929.htm](https://facilities.fiu.edu/projects/BT-927_and_BT-929.htm).

Applications on any other form will not be considered. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning at (305)348-4090 or via email to [griffith@fiu.edu](mailto:griffith@fiu.edu) cc: [angpaz@fiu.edu](mailto:angpaz@fiu.edu).

**GENERAL REQUIREMENTS:** All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application.

As required by Section 287.133, Florida Statutes, a person or affiliate may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of the threshold amount provided in Section 287.017 for CATEGORY TWO in connection with this project for a period of 36 months following the date of their being placed on the convicted vendor list

Pursuant to §448.095, Fla. Stat., the selected consultant will have to certify that it is registered with and uses the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the consultant during the term of its contract with FIU. If the consultant enters into a contract with a subcontractor to perform work or provide services pursuant to its contract with FIU, the consultant shall likewise require the subcontractor to comply with the requirements of §448.095, Fla. Stat., and the subcontractor shall provide to the consultant an affidavit stating that the subcontractor does not employ, contract with or subcontract with an unauthorized alien. The consultant shall maintain a copy of such affidavit for the duration of its Contract with FIU. This section serves as notice to the consultant regarding the requirements of §448.095, Fla. Stat., and FIU's obligation to terminate the contract if it has a good faith belief that the consultant has knowingly violated §448.095, Fla. Stat. If terminated for such reason, the consultant will not be eligible for award of a public contract for at least one year after the date of such termination. Further, FIU has an obligation to order the immediate termination of any contract between the consultant and a subcontractor performing work on its behalf should FIU develop a good faith belief that the subcontractor has knowingly violated §448.095, Fla. Stat. FIU reserves the right to request documentation from the consultant evidencing its compliance with §448.095, Fla. Stat. at any time during the term of the contract.

All applicants should review Section 448.095, Fla. Stat. carefully.

FIU HAS CREATED STANDARD CONTRACT FORMS, GENERAL TERMS AND CONDITIONS OF THE CONTRACT FOR CONSTRUCTION AND STANDARD INSURANCE REQUIREMENTS APPLICABLE TO CM SERVICES TO PROVIDE FOR AN EFFICIENT AND EFFECTIVE PROCESS. THESE FORMS ARE AVAILABLE FOR REVIEW, AND CAN BE FOUND AT <http://facilities.fiu.edu/formsandstandards.htm>

ALL APPLICANTS SHOULD REVIEW THE APPLICABLE FIU CONTRACT FORM AND STANDARD INSURANCE REQUIREMENTS CAREFULLY PRIOR TO MAKING A

DECISION AS TO WHETHER OR NOT TO RESPOND TO THIS ADVERTISEMENT.

SUBMIT QUALIFICATIONS TO: Selection Committee, Florida International University, Facilities Planning, Campus Support Complex, 11555 S.W. 17th St., Room #142, Modesto A. Maidique Campus, Miami, Florida 33199. Submittals must be received between 8:30 a.m. – 12:30 p.m. or 1:30 P.M and 4:00 P.M. local time, Wednesday, October 27, 2021. Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

3rd party commercial couriers must abide by these instructions, no exceptions. In all cases, the firm will be held responsible for proof of on time delivery to the CSC building by retaining a time stamped delivery receipt provided by FIU Planning staff.

Gulf Consortium

The Gulf Consortium

Notice is hereby given that the Gulf Consortium will be receiving sealed responses to Request for Proposals at the offices of The Balmoral Group, 165 Lincoln Avenue, Winter Park, FL 32789, for audit services. Documents can be obtained by contacting the Consortium Manager at (407)629-2185 or [gulf.consortium@balmoralgroup.us](mailto:gulf.consortium@balmoralgroup.us). Documents can also be found online at [www.gulfconsortium.org](http://www.gulfconsortium.org).

BID TITLE: Audit Services

Due Date: by 4:00 p.m. ET, October 15, 2021

The Gulf Consortium ("the Consortium") intends to enter into an agreement with an experienced and qualified professional firm to provide audit services pursuant to applicable laws, rules and regulations governing the Consortium. The audit is to be conducted in accordance with, but not necessarily limited to, the Single Audit Act Amendments of 1996, 31 U.S.C. s. 7501 et. seq., Section 215.97, Florida Statutes "Florida Single Audit Act," regulations adopted by the Auditor General of the State of Florida, and 2 CFR Part 200, including an audit report consisting of a financial audit of the Consortium, an audit of financial accounts and records, including all reports, management letters, and financial statements that may be required, and other audit services requested by the Consortium.

## 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., Tuesday, September 21, 2021 and 3:00 p.m., Monday, September 27, 2021.

Rule No.	File Date	Effective Date
5B-57.014	9/22/2021	10/12/2021
34-8.202	9/24/2021	1/1/2022
34-8.208	9/24/2021	1/1/2022
34-8.209	9/24/2021	1/1/2022
60FF1-5.002	9/21/2021	10/11/2021
60FF1-5.010	9/22/2021	10/12/2021
64B33-5.001	9/24/2021	10/14/2021
64DER21-15	9/22/2021	9/22/2021
69A-48.005	9/24/2021	10/14/2021
69A-48.008	9/24/2021	10/14/2021
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
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	**/**/****

Regulatory Plan for 2021-2022 on September 17, 2021, at <https://floridavets.org/wp-content/uploads/2021/09/Annual-Regulatory-Plan-for-2021-2022-9-17-21-1.pdf> /.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Certificate of Need

**EXEMPTIONS**

The Agency for Health Care Administration approved the following exemptions on September 27, 2021 pursuant to Section 408.036(3), Florida Statutes:

ID # E210006 District: 11-1 (Miami-Dade County)

Facility/Project: Aventura Rehab and Nursing Center

Applicant: Aventura SNF LLC

Project Description: Establish an 86-bed replacement community nursing home

Proposed Project Cost: \$19,182,138

ID # E210007 District: 11-1 (Miami-Dade County)

Facility/Project: Aventura Rehab and Nursing Center

Applicant: Aventura SNF LLC

Project Description: Addition of 21 community nursing home beds to establish a 107-bed replacement facility

Proposed Project Cost: \$4,684,010

**NAVIGATION DISTRICTS**

Florida Inland Navigation District

**NOTICE OF PUBLICATION OF AGENCY REGULATORY PLAN**

Pursuant to subparagraph 120.74(2)(a)3., Florida Statutes, notice is hereby given that the Florida Inland Navigation District's Regulatory Plan is available, effective October 1, 2021, at the following web address:

[http://aicw.org/administration\\_and\\_business/regulatory\\_plan.php](http://aicw.org/administration_and_business/regulatory_plan.php).

**DEPARTMENT OF CITRUS**

Notice of Publication of 2021-22 Regulatory Plan

NOTICE IS HEREBY GIVEN that on September 27, 2021, the Department of Citrus published its 2021-22 Regulatory Plan in accordance with subsection 120.74(1), F.S., as amended by Ch. 2015-162, Laws of Florida. The Regulatory Plan is available on the Florida Department of Citrus website: [www.fdocgrower.com](http://www.fdocgrower.com), at <https://fdocgrower.box.com/s/316rouf05hd37zifqchgbw2mpkdedmws>.

**DEPARTMENT OF VETERANS' AFFAIRS**

Annual Regulatory Plan

RULE NO.: RULE TITLE:

55-1.003 Agency Head

Pursuant to Section 120.74(1), Florida Statutes, the Florida Department of Veterans' Affairs has published its Annual

**Section XIII**

**Index to Rules Filed During Preceding Week**

**INDEX TO RULES FILED BETWEEN SEPTEMBER 20, 2021 AND SEPTEMBER 24, 2021**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

5B-57.014 9/22/21 10/12/21 47/149

**DEPARTMENT OF REVENUE**

12ER21-17 9/20/21 10/1/21 47/183

12ER21-18	9/20/21	10/1/21	47/183
12ER21-19	9/20/21	10/1/21	47/183
12ER21-20	9/20/21	10/1/21	47/183

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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**COMMISSION ON ETHICS**

34-8.202	9/24/21	1/1/22	47/156
34-8.208	9/24/21	1/1/22	47/156
34-8.209	9/24/21	1/1/22	47/156

**DEPARTMENT OF MANAGEMENT SERVICES**

**E911 Board**

60FF1-5.002	9/21/21	10/11/21	47/143
60FF1-5.010	9/22/21	10/12/21	47/142 47/169

**DEPARTMENT OF HEALTH**

**Board of Massage**

64B7-32.001	9/20/21	10/10/21	47/164
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**Board of Orthotists and Prosthetists**

64B14-2.003	9/17/21	10/7/21	47/154
64B14-2.005	9/17/21	10/7/21	47/154

**Board of Athletic Training**

64B33-5.001	9/24/21	10/14/21	47/165
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**Division of Disease Control**

64DER-21-15	9/22/21	9/22/21	47/185
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

69A-48.005	9/24/21	10/14/21	47/125
69A-48.008	9/24/21	10/14/21	47/125

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**E911 Board**

60FF1-5.009	7/21/2016	**/**/****	42/105
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**Division of State Employees' Insurance**

60P-1.003	11/5/2019	**/**/****	45/191
60P-2.002	11/5/2019	**/**/****	45/191
60P-2.003	11/5/2019	**/**/****	45/191

**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-10.003	12/9/2015	**/**/****	39/95	41/49
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