

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-5.0411 Calculations of Student Learning Growth for Use in School Personnel Evaluations

PURPOSE AND EFFECT: To adopt an updated “Florida VAM Course List,” which is the publication that lists the courses a teacher can teach to receive a value-added model (VAM) score. The effect of this change is to align the “Florida VAM Course List,” with the “Course Code Directory and Instructional Personnel Assignments,” adopted by Rule 6A-1.09441, F.A.C. SUBJECT AREA TO BE ADDRESSED: VAM Course List.

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1012.34, F.S.

LAW IMPLEMENTED: 1012.34, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Halley, Bureau Chief, Bureau of Accountability Reporting, Division of Accountability, Research, and Measurement, Florida Department of Education, 325 West Gaines Street, Suite 544, Tallahassee, Florida 32399-0400, (850)245-0411. To comment on this rule development or to request a rule development workshop, please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available at <https://web02.fldoe.org/rules>.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:
64B7-23.001 Definitions

PURPOSE AND EFFECT: The Board proposes the rule promulgation to massage therapy rules consistent with HB 245. SUBJECT AREA TO BE ADDRESSED: To reorganize and clarify massage therapy rules consistent with HB 245.

RULEMAKING AUTHORITY: 480.035(7), FS.

LAW IMPLEMENTED: 456.035(7), 480.033(10), 480.033(12), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Kama.Monroe@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:
64B7-23.003 Display of Massage Therapist License

PURPOSE AND EFFECT: The Board proposes the rule promulgation to massage therapy rules consistent with HB 245. SUBJECT AREA TO BE ADDRESSED: To reorganize and clarify massage therapy rules consistent with HB 245.

RULEMAKING AUTHORITY: 480.035(7), FS.

LAW IMPLEMENTED: 480.043(3), 456.077(2), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Kama.Monroe@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:
64B7-23.005 Sexual Misconduct; Sexual Activity Prohibited

PURPOSE AND EFFECT: The Board proposes the rule promulgation to massage therapy rules consistent with HB 245. SUBJECT AREA TO BE ADDRESSED: To reorganize and clarify massage therapy rules consistent with HB 245.

RULEMAKING AUTHORITY: 480.035(7), FS.
 LAW IMPLEMENTED: 480.0485, FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Kama.Monroe@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-23.007 RULE TITLE: Massage Therapy Assessment.
 PURPOSE AND EFFECT: The Board proposes the rule promulgation to massage therapy rules consistent with HB 245.
 SUBJECT AREA TO BE ADDRESSED: To reorganize and clarify massage therapy rules consistent with HB 245.
 RULEMAKING AUTHORITY: 480.035(7), FS.
 LAW IMPLEMENTED: 480.033(10), 480.033(12), FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Kama.Monroe@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-23.009 RULE TITLE: Massage Therapy as a Complementary or Alternative Healthcare Treatment; Recordkeeping.
 PURPOSE AND EFFECT: The Board proposes the rule promulgation to massage therapy rules consistent with HB 245.
 SUBJECT AREA TO BE ADDRESSED: To reorganize and clarify massage therapy rules consistent with HB 245.

RULEMAKING AUTHORITY: 480.035(7), FS.
 LAW IMPLEMENTED: 456.41, FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Kama.Monroe@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-23.011 RULE TITLE: Misconduct and Negligence in the Practice of Massage Therapy.
 PURPOSE AND EFFECT: The Board proposes the rule promulgation to massage therapy rules consistent with HB 245.
 SUBJECT AREA TO BE ADDRESSED: To reorganize and clarify massage therapy rules consistent with HB 245.
 RULEMAKING AUTHORITY: 480.035(7), FS.
 LAW IMPLEMENTED: 480.046(1)(i), FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Kama.Monroe@flhealth.gov.

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-2.2003
 RULE TITLE: Schedule of Benefits

PURPOSE AND EFFECT: The proposed rule amendment will update the schedule of benefits.

SUMMARY: The schedule of benefits will be updated.

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, the Department, 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 amendment will not require ratification by the Legislature. The proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 3., F.S.

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

RULEMAKING AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.03, 960.05, 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.194, 960.195, 960.196, 960.198, 960.199 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: Rick Nuss, Chief Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, FL 32399-1050.

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-2.2003. Schedule of Benefits.

(1) No change.

(2) The Schedule of Benefits for compensation pursuant

to the Crimes Compensation Act, includes:

BENEFIT TYPE	Maximum Benefit Amount (up to)	Timeframe Within Which Loss Must Be Incurred from Date of Crime (up to)
Wage Loss	\$15,000.00 7,500.00 at a rate of 50% or GAWW	one year
Parental Wage Loss	\$15,000.00 7,500.00 at a rate of 50% or GAWW	one year
Loss of Support	\$25,000.00 12,500.00	n/a
Disability	\$15,000.00 7,500.00	n/a
Catastrophic Disability	\$50,000.00 25,000.00	n/a
Crime Scene Cleanup	\$1,500.00 1,000.00	7 days
Medical/Dental Treatment	\$10,000.00 5,000.00 at a rate of 50%	one year
Mental Health Injured Minor (until age 18)	\$10,000.00 5,000.00 at a rate of 50%	n/a
Mental Health Inpatient Crisis Stabilization	\$10,000.00 5,000.00 at a rate of 50%	7 days
Mental Health Injured Adult Victim	\$5,000.00 2,500.00 at a rate of 50%	one year
Mental Health Minor Witness	\$5,000.00 2,500.00 at a rate of 50%	one year
Mental Health Minor Victim Mental Injury (until age 18)	\$10,000.00 5,000.00 at a rate of 50%	n/a

Mental Health Adult or Minor Victim of Forcible Felony (non-injury)	\$5,000.00 at a rate of 50%	one year
Grief Counseling (surviving spouse, parent, stepparent, child, stepchild, sibling, stepsibling, or other dependent of a deceased victim; combined total benefit cannot exceed \$10,000.00 payout)	\$10,000.00 5,000.00 (\$2,500.00 each adult applicant) at a rate of 50%	one year
Funeral/Burial	\$7,500.00	n/a
Property Loss	\$500.00	date loss discovered
Domestic Violence Relocation	\$1,500.00 1,000.00	on or prior to date of certification
Sexual Battery Relocation	\$1,500.00 1,000.00	on or prior to date of certification
Human Trafficking Relocation	\$1,500.00 1,000.00	on or prior to date of certification
Sexual Battery Forensic Examinations	\$1,000.00	date of exam
Emergency Responder Death Benefit	\$50,000.00	n/a

(c) Total benefits paid on a single claim cannot exceed ~~\$15,000.00~~ ~~7,500.00~~ when the victim is not deceased, or catastrophically injured, ~~\$25,000.00~~ ~~12,500.00~~ when the victim is deceased, ~~\$50,000.00~~ ~~25,000.00~~ when the victim has sustained a catastrophic injury as defined in Section 960.03(1), F.S., as a direct result of the crime, or \$50,000.00 when an emergency responder was killed while answering a call for service in the line of duty. Benefits paid to medical, mental health, or grief counseling treatment providers shall be paid at a rate of 50% or less depending on the availability of funds. Property loss cannot exceed \$500.00 on any one claim, and a lifetime maximum of \$1,000.00 on all claims. Benefits paid for relocation claims cannot exceed ~~\$1,500.00~~ ~~1,000.00~~ on any one claim, and a lifetime maximum of \$3,000.00 for the same relocation claim type.

Rulemaking Authority 960.045(1) FS. Law Implemented 960.03, 960.05, 960.065, 960.07, 960.09 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.194, 960.195, 960.197, 960.198, 960.199 FS. History—New 3-1-21, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Attorney General Ashley Moody
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 5, 2021

DEPARTMENT OF MANAGEMENT SERVICES
Division of Administrative Hearings

RULE NO.: 60Q-6.102
RULE TITLE: Definitions
PURPOSE AND EFFECT: Clarify reference "efiling" and adopt standard for "verified" by reference.
SUMMARY: The word "efiling" is added and new paragraph (13) adopts "verified" definition from section 90.525
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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.
LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:
60Q-6.102 ~~DEFINITIONS~~ ~~Definitions~~:
(1) "Claim" means each assertion of a legal right or benefit under Chapter 440, F.S.
(2) "Claimant" means the person asserting a claim.
(3) "Division" means the Division of Workers' Compensation, Department of Financial Services.
(4) "Office of the Judges of Compensation Claims" (OJCC) means the office within the Department of Management Services, Division of Administrative Hearings,

where the Deputy Chief Judge and judges of compensation claims preside.

(5) “Electronic filing” (efiling) means uploaded to the appropriate case docket using the electronic judges of compensation claims’ e-filing system (e-JCC) accessed through a link on the OJCC website at www.jcc.state.fl.us.

(6) “Electronic signature” means that a graphic version of the e-JCC user’s signature or “s” followed by the e-JCC user’s typewritten name is deemed to be the legal equivalent of the e-JCC user’s handwritten signature.

(7) “Filed” means received by the clerk of the OJCC in Tallahassee.

(8) “Judge” means a judge of compensation claims appointed pursuant to Chapter 440, F.S.

(9) “Parties” may include the petitioner, claimant, employer, carrier, servicing agent, health care provider, and division.

(10) “Petition for benefits” means a pleading invoking the jurisdiction of the OJCC and subject to the requirements of Section 440.192(1) through (4), F.S.

(11) “Pleading” means a petition for benefits or an amended petition, a motion, a response to a petition or a motion, a voluntary dismissal, a voluntary agreement to provide benefits, a pretrial stipulation, a stipulation changing the issues pending in a case, or a notice.

(12) “Personally conferred” means communications in person, by telephone, e-mail, text messaging, or some other communication mechanism that permits an immediate, contemporaneous response.

(13) “Verified” is defined in accordance with section 92.525, F.S.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.192(1), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14-[Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 14, 2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.105 Commencing a Case; Subsequent Petitions

PURPOSE AND EFFECT: Clarifies the process for Requests for Assignment of Case Numbers

SUMMARY: Removes the old manual process for RACN assignment.

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 been prepared by the Agency.

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (4) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.105 COMMENCING A CASE; SUBSEQUENT PETITIONS ~~Commencing a Case; Subsequent Petitions.~~

(1) An employee or claimant seeking an award of benefits commences a new case by filing a petition for benefits pursuant to Section 440.192, F.S., when there is not an existing case pertaining to the same employee and date of accident.

(2) When the employee and date of accident are the same as in an existing case, any subsequent petition for benefits or claim relating to that employee and date of accident shall be filed in the existing case.

(3) For any claim or dispute within the jurisdiction of the OJCC but not subject to a petition for benefits, the claimant or moving party shall file with the clerk of the OJCC a request for assignment of case number.

~~(4) An employee or claimant who asserts he or she cannot provide a social security number or who asserts a legal basis for refusing to provide one shall file a verified motion for assignment of substitute identification number along with the initial petition or request for assignment of case number.~~

(4) ~~(5)~~ A claim for reimbursement from the Special Disability Trust Fund shall be made under the administrative rules promulgated by the division.

(5) ~~(6)~~ Where a party is represented, a petition for benefits shall be served on counsel for the party in addition to any service otherwise required by this rule.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.192, 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 11-10-14, [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham

david.langham@doah.state.fl.us 8505956310

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: 60Q-6.107
RULE TITLE: Amendment and Dismissal of Petition for Benefits

PURPOSE AND EFFECT: Clarifies change of address for parties and counsel, and amendment for company names.

SUMMARY: Paragraph 2 delineates filing for change within a case or within a user e-filing profile. Paragraph 3 differentiates between a name change (same company) and a change of companies.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us, (850)595-6310

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.107 AMENDMENT AND DISMISSAL OF PETITION FOR BENEFITS—Amendment and Dismissal of Petition for Benefits.

(1) A petition that does not contain the information required by Sections 440.192(2) through (4), F.S., shall be dismissed.

(2) A petition or request for assignment of case number may only be amended by written stipulation of the parties or by order of the judge, except that Changes changes of addresses, e-mail addresses, or phone numbers of parties or, if represented, their attorneys of record can be accomplished by filing a notice of change in a particular case or changing registration information pursuant to 60Q-6.108(11). Changes of address, e-mail address, or phone numbers of attorneys shall be made by the attorney in their individual OJCC e-filing profile.

(3) An amendment only modifying a company name may be accomplished by a stipulation or motion. An amendment as to party identity must be by motion and order.

~~(4)–(3)~~ Prior to dismissing any petition for failure to prosecute, the judge shall issue an order to show cause and allow 10 days for a response to the order.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.192, 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14, [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham, david.langham@doah.state.fl.us (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: 60Q-6.108
RULE TITLE: Filing and Service

PURPOSE AND EFFECT: Clarifies electronic service process and requirement

SUMMARY: Affords effective service additionally by Florida Bar registered address, requires service on parties and counsel by e-mail when possible, and changes timing deadline from

5:00 p.m. to midnight. Specifically allows use of email for good faith.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham

david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.108 FILING AND SERVICE ~~Filing and Service.~~

(1) Filing.

(a) All documents filed with the OJCC, except documents filed by parties who are not represented by an attorney, shall be filed by electronic means through the OJCC website. Any document filed in paper form by U.S. mail, facsimile, or delivery shall be filed only with the OJCC clerk in Tallahassee. Documents shall be filed by only one method, e-filing, facsimile, or U.S. mail, and shall not be filed multiple times. Duplicate filings will not be docketed and will be destroyed.

(b) Any pleading or other paper filed in a proceeding shall be served on all other parties or, if represented, their attorneys of record at the time the document is filed. Petitions for benefits shall be served on the parties as provided in section 440.192(1), F.S., and copies of the petitions shall be served on counsel for the opposing parties, if known, at the time the petition is filed as provided in this rule. Service made by a represented party's attorney to another represented party's attorney shall be by electronic mail, facsimile, or U.S. mail. The use of electronic mail by parties or attorneys is approved only when the serving party or attorney uses the opposing party's or attorney's e-mail address that the opposing party or attorney, or their designated

representative has registered with the OJCC, as listed in e-JCC-~~absent good cause. If an attorney has not registered their electronic mail address with the OJCC, documents may be served on that attorney at the e-mail address on record with The Florida Bar. Service by or to an unrepresented party shall be by electronic mail, if available, or by U.S. mail or facsimile.~~ Electronic mail sent by the OJCC on behalf of the serving party through the e-JCC program shall be the only approved alternative to certified U.S. mail for service of petitions for benefits and responses to petitions for benefits. When a represented party e-files a pleading or other paper with the OJCC, that party must serve the other party or parties, or their designated representative, with a copy of that pleading or paper simultaneously by electronic mail, if available. In the event a represented party files a pleading or other paper with the OJCC by electronic means, that party shall be required to serve the other party or parties, or their designated representative, with a copy of that pleading or paper simultaneously by electronic means, if available.

(c) The following documents shall not be filed with the OJCC unless relevant to an issue to be heard and not more than 10 days but at least two days before the scheduled hearing: requests or notices to produce and objections or responses thereto, deposition transcripts, correspondence between counsel or parties, correspondence to the judge or the judge's staff, subpoenas and returns of service.

(d) Except for filing using e-JCC, electronic mail or facsimile of documents to the judge shall be used only when the judge authorizes such use for that document; otherwise, the document will not be considered.

(e) Any document, whether filed by electronic or other means, received by the OJCC after midnight Eastern Time 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

(f) Any attorney, party, or other person who electronically files any document shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed as a result.

(g) If the employer/carrier/servicing agent is not represented by counsel, no prior petition for benefits has been filed, and the e-mail address for the claims representative of the carrier/servicing agent is unknown, the good faith effort contemplated by 440.192(4), F.S., may be effectuated by service of a written request for benefits sent to the e-mail address of the carrier registered with the OJCC and to the employer.

~~(h)~~(g) Any document filed electronically shall be uploaded individually, except that exhibits, supporting documents, and proposed orders for any motion may be filed along with the motion. In naming uploaded motions, counsel shall specifically

identify the type of motion by naming the relief sought. In naming depositions filed electronically, counsel shall include the deponent's name and the date of the deposition. ~~If an uploaded document is specifically intended as a hearing exhibit at the time of filing, the name shall also include "proposed hearing exhibit" and the date of the scheduled hearing.~~ All uploaded documents shall include sufficient specificity in naming to allow identification of the document from the docket remark.

~~(i)(4)~~ If a document is filed in error using e-JCC, the filing party shall file the document in the correct case docket and separately file a notice of the error in the case that contains the erroneously-filed document.

~~(j)(4)~~ The clerk of the OJCC shall, upon order of the assigned judge, place a document under seal and render it thereby viewable only upon further order of the assigned judge.

(2) Service. Service is effectuated by:

(a) Handing the document to the party or, if represented, the party's attorney of record;

(b) Leaving the document at the attorney's office with a clerk or other person in charge or leaving it in a conspicuous place in the office;

(c) If the office is closed or the person to be served has no office, leaving the document at the person's residence with a member of the person's family above 15 years of age and informing that person of the contents;

(d) Placing the document in the U.S. mail, except when the original pleading or paper was filed with the OJCC by electronic means, in which case simultaneous electronic service on the other party or parties must be made, as referenced in paragraph (1)(b) above; or

(e) Transmitting the document by facsimile or electronic mail. Service by electronic mail on a party or attorney is only effective if the serving party or attorney uses the opposing party's or attorney's e-mail address registered with the OJCC, as listed in e-JCC. Service of a petition for benefits or response to a petition for benefits sent by electronic mail shall be effectuated, and deemed received by the opposing party at the same time that service is effectuated, upon electronic mailing if sent by the OJCC on behalf of the serving party through the e-JCC program to the registered e-mail address of the opposing party as listed in e-JCC.

(f) All documents served by e-mail must be attached to an e-mail message containing the subject line beginning with the words "SERVICE OF OJCC DOCUMENT" in all capital letters followed by the name of the injured worker, employer, and OJCC number, if any.

(3) Service by ~~delivery~~, facsimile, or electronic mail after ~~midnight Eastern Time 5:00 p.m.~~ shall be deemed to have been made on the next day that is not a Saturday, Sunday, or legal holiday.

~~(4) Service by delivery after the clerk's office in Tallahassee is scheduled to close at 5:00 p.m. Eastern Time shall be deemed to have been made on the next day that is not a Saturday, Sunday, or legal holiday.~~

~~(5)(4)~~ When service is made by U.S. mail, the copy shall be mailed postage prepaid, to the last known address of the party or, if represented, the party's attorney of record.

~~(6)(5)~~ Service by U.S. mail shall be complete upon mailing.

~~(7)(6)~~ When service of any pleading other than a petition is made by U.S. mail, five days shall be added after the period allowed for the performance of any act required to be done, or allowed to be done, within a certain time after service. When service is made by any electronic delivery method or by hand delivery, no additional time shall be added.

~~(8)(7)~~ All orders shall be electronically filed with the OJCC in Tallahassee on the same day that the order is transmitted to the parties by electronic mail or U.S. mail.

~~(9)(8)~~ All attorneys filing documents in workers' compensation proceedings before the OJCC shall register to use the e-JCC electronic filing system. Each such attorney shall register an e-mail address and thereby consent to receive documents from other counsel and the OJCC at that address. Each attorney shall be responsible for amending that e-mail address as necessary for it to remain current.

~~(10)(9)~~ Only attorneys, mediators, adjusters, and parties are permitted to register with the e-JCC system.

~~(11)(10)~~ The OJCC will maintain a list of all e-JCC registrants and their e-mail addresses.

~~(12)(11)~~ All employers, self-insurers, third-party administrators, and carriers shall register a single, general delivery, e-mail address with the OJCC for receipt of all electronically served documents, including petitions for benefits. All employers, self-insurers, third-party administrators, and carriers shall register a single, general delivery U.S. Mail address and a single telephone number with the OJCC. The e-JCC system will maintain a list of all registered companies, and their e-mail addresses. Each such self-insurers, third-party administrators, and carrier shall be responsible for amending ~~name, that~~ e-mail address, physical address, and telephone number as necessary for it to remain current. Original registrations and amendments to information shall be submitted by company representative via e-mail.

~~(13)(12)~~ Any other party may register an e-mail address with the OJCC.

~~(14)(13)~~ The OJCC will maintain a list of all registered parties and counsel and their respective e-mail addresses.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.192, 440.25(1), (4)(a), (4)(c), (4)(e), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14. [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.110 Mediation, Generally

PURPOSE AND EFFECT: Clarifies the terms "continue" and "reschedule," and clarifies the filing of a mediation report in the event of a private mediation.

SUMMARY: Changes within the 130 day statutory period are reschedules and are within mediator discretion. Those moving beyond the 130 day time are continuances and require judicial approval based upon statutory parameters.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY:

LAW IMPLEMENTED:

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: David Langham, david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.110 MEDIATION, GENERALLY ~~Mediation, Generally.~~

(1) All petitions and claims pending at the time a mediation conference is held are deemed consolidated and will be mediated at that conference.

(2) Parties who have agreed to private mediation or to re-schedule private mediation shall file with the judge at least 30 days prior to any scheduled mediation a notice substituting private mediation for state mediation or re-scheduling private mediation. If such notice is filed less than 30 days prior, it shall be treated as a motion, and attendance and participation at the scheduled state mediation shall not be excused, absent an order finding good cause to excuse this time requirement. The notice shall include the name of the private mediator, along with the date and time of the private mediation and shall state that the private mediation meets the statutory deadline, unless the deadline is waived by all parties.

(a) The Deputy Chief Judge shall assign a mediation date for each petition filed. Within 40 days after the filing of the earliest petition for benefits awaiting mediation, the parties may agree to coordinate with the assigned judge an alternate state mediation date which meets the 130-day statutory deadline. Any such change in date shall be considered a re-scheduling and not a continuance of the mediation.

(b) After the state mediation has been noticed on the 40th day following the filing of the earliest petition for benefits awaiting mediation, the state mediation shall not be continued, meaning moved to a date beyond the 130-day statutory period, unless first granted by the judge upon agreement of the parties or upon proper motion demonstrating that the basis for the continuance arises from circumstances beyond the movant's control or for other good cause shown. The motion shall be filed no later than 30 days before the date of the scheduled state mediation absent an emergency, ~~filed no later than 30 days before the date of the scheduled state mediation~~ unless the mediation notice is sent to the parties less than 30 days prior to the noticed mediation.

(c) The state mediation conference may ~~not~~ be re-scheduled, within the 130-day statutory period, upon mutual request of the parties and agreement of the assigned mediator. ~~or continued to occur after the 130 day statutory deadline unless first granted by the judge upon proper motion demonstrating that the basis for the continuance arises from circumstances beyond the movant's control or for other good cause shown. The motion shall be filed no later than 30 days before the date of the scheduled state mediation absent an emergency.~~

(d) Parties to a workers' compensation claim may jointly request voluntary mediation services from the OJCC. Such requests will be considered as individual state mediator calendars permit. Any voluntary mediation will be conducted only if all parties so stipulate. Any voluntary mediation will be governed by these rules. Failure to appear at a voluntary mediation shall not be a basis for the imposition of sanctions.

(3) The parties and private mediator shall be bound by the rules and statutes applicable to state mediation. If a notice and order regarding state mediation has been entered in the cause, the terms and requirements of the notice and order shall remain in full force and effect as to the substituted private mediation.

(4) If the parties resolve all issues, or all issues except for attorney’s fees, prior to the scheduled mediation conference, the attorney or unrepresented claimant who has filed a petition for benefits shall file a pleading in order to cancel the corresponding mediation. The pleading must be filed prior to the scheduled mediation and shall indicate the manner in which each issue was resolved

(5) The following persons shall attend the mediation conference: the claimant; the claims representative of the carrier/servicing agent, which representative must have full authority to resolve all the issues and/or settle the case; the employer, if uninsured; the insured or self-insured employer, if the employer/servicing agent does not have full authority to settle the issues; and the attorneys for the parties. The appearance of an attorney for a party does not dispense with the required attendance of the party. No party shall appear at the mediation conference by telephone unless such appearance is approved in advance by the mediator. Any party appearing by telephone has stipulated to be bound by that party’s attorney of record’s signature on the mediation report.

(a) The adjuster, if represented by counsel, may attend the mediation by phone unless an objection is filed with the mediator on the basis of good cause. The mediator shall have discretion to allow any party and/or that party’s attorney of record to appear at the mediation conference by telephone upon the party’s written request furnished to the mediator and the opposing party or, if represented, the party’s attorney of record no fewer than five days prior to the mediation conference. The expense of telephonic attendance shall be borne by the person or party attending by telephone.

(b) Any person attending mediation telephonically shall provide an e-mail address for use in exchanging documents during the mediation unless good cause is shown to the mediator at least five days prior to the mediation. Any mediation attended telephonically is not concluded until the signed report is returned to the mediator. The signed report shall be returned by the end of the business day unless excused by the mediator.

(6) Failure to attend the mediation conference without a showing of good cause, or the failure to appear at the mediation conference with full authority to resolve the issues, shall subject the party or the attorney to sanctions.

(7) Immediately following the conclusion of a mediation conference in an open OJCC case, the mediator, whether state, adjunct, or private, shall prepare a report stating which issues or claims in dispute are resolved and which remain unresolved.

~~and whether the parties completed a pretrial stipulation.~~ The report shall identify by filing date each petition mediated. In the case of private mediation, the The claimant shall file with the judge within five business days of the mediation conference the mediator’s report and mediation settlement agreement, if any, ~~together with any pretrial stipulation executed by the parties.~~

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(1)-(4), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14, [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.112 Disqualification of Mediator

PURPOSE AND EFFECT: Provides clarity on the process for mediator disqualification or recusal.

SUMMARY: A mediator wishing to to decline an assignment notifies the deputy chief judge.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham

david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.112 DISQUALIFICATION OF MEDIATOR

~~Disqualification of Mediator~~

Any party may, by motion, for good cause shown, request the judge to disqualify a mediator. The request must state with particularity the basis for disqualification. Any order disqualifying a mediator shall name a substitute mediator. Nothing in this rule shall preclude mediators from disqualifying themselves or refusing any assignment. A mediator disqualifying herself or himself, or refusing an assignment shall do so informally by electronic mail to the Deputy Chief Judge. Thereupon, the Deputy Chief Judge shall re-assign the case to another mediator.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.45(1)(a), (4) FS. History--New 2-23-03-[Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:

David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.113 Pretrial Procedure

PURPOSE AND EFFECT: Refines and clarifies pleading of affirmative defenses

SUMMARY: Broadens scope to include affirmative defense or avoidance, including some specified in statute. Provides that objections for lack of specificity are expressed by motion and how amendment may cure.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham

david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.113 PRETRIAL PROCEDURE ~~Pretrial Procedure.~~

(1) A judge, on the judge’s own initiative or on the motion of any party, may conduct status conferences or pre-hearing conferences.

(2) The parties or, if represented, their attorneys of record shall confer and complete a written pretrial stipulation. The claimant or claimant’s counsel shall forward the pretrial stipulation to the employer/carrier or their counsel, if represented, no later than 14 calendar days prior to the pretrial hearing. The employer/carrier or their counsel shall complete their portion and return the pretrial stipulation to the claimant or claimant’s counsel, if represented, no later than seven calendar days prior to the pretrial hearing. The judge may excuse any party who has complied with filing their completed and signed portion of the pretrial stipulation from live or telephonic attendance at the pretrial hearing. The judge may cancel the pretrial hearing if the stipulation is timely filed. In pretrial stipulations and at any pretrial hearing, the parties shall:

(a) State the claims, defenses, and the date of filing of each petition for benefits to be adjudicated at the final hearing. Any claims that are ripe, due, and owing, and all available defenses not raised in the pretrial stipulation are waived unless thereafter amended by the judge for good cause shown. Any amendment, supplement, or other filing shall only be accepted if it clarifies the claims and/or defenses pled. Absent an agreement of the parties, in no event shall an amendment or supplement be used to raise a new claim or defense that could or should have been raised when the initial pretrial stipulation was filed, unless permitted by the judge for good cause shown. The failure to diligently seek and obtain discovery, standing alone, does not constitute good cause for failure to timely raise a claim or defense;

(b) State each party’s position regarding the date of accident, jurisdiction over the subject matter and over the parties, the injuries alleged; venue, and timely notice of the pretrial hearing and of the final hearing;

(c) Stipulate to such facts and the admissibility of documentary evidence as will avoid unnecessary proof;

(d) Identify all exhibits, including impeachment and rebuttal exhibits;

(e) Identify the names, addresses, and telephone numbers of all witnesses, including impeachment and rebuttal witnesses, and state whether the witnesses will testify in person, by telephone, or by deposition;

(f) Exchange all available written reports of experts to be offered at trial;

(g) Consider and determine such other matters as may aid in the disposition of the case; and

(h) Any affirmative defense or avoidance, including any defense raised pursuant to Sections 440.09(4)(a) and 440.105, F.S., and any affirmative defense, must be raised with specificity, detailing the conduct giving rise to the defense or avoidance, with leave to amend within 10 days. Objections based upon lack of specificity shall be raised in a separate motion to strike the affirmative defense or avoidance filed within 14 days of the filing of the completed pretrial, or within 14 days of the filing of any amendment to the pretrial stating a new affirmative defense or avoidance. If a motion to strike an affirmative defense or avoidance for lack of specificity is granted, the party asserting the affirmative defense or avoidance may amend the pretrial within 10 days after the order granting the motion to strike.

(3) If for any reason the written pretrial stipulation is not completed by all parties or their counsel, if represented, as provided in subsection 60Q-6.113(2), F.A.C., each party shall file and serve separate proposed typewritten pretrial statements no later than two business days prior to the pretrial hearing.

(4) Unless good cause is shown, a party's failure to cooperate in the preparation and filing of their portion of the joint pretrial stipulation shall result in the imposition of appropriate sanctions, including but not limited to the striking of claims and/or defenses.

(5) Where mediation has been waived by the Deputy Chief Judge, the parties shall file a pretrial stipulation that conforms to the requirements of subsection (2), ~~of this rule no later than 30 days following the waiver order.~~

(6) Witness lists, exhibit lists, supplements, and amendments served, and exhibits exchanged less than 30 days before the final hearing must be approved by the judge or stipulated to by the parties. Any amendments and supplements to the pretrial stipulation must relate to claims and defenses pled in the initial pretrial stipulation. In no event shall an amendment or supplement be used to raise a new claim or defense that could or should have been raised when the initial pretrial stipulation was filed, unless permitted by the judge upon motion for good cause shown. The failure to diligently seek and obtain

discovery, standing alone, does not constitute good cause for failure to timely raise a claim or defense.

(7) The judge shall record the pretrial hearing by stenographic or electronic means at the request of any party.

(8) No discovery shall be permitted within 10 calendar days of the final hearing absent prior approval by the judge for good cause shown or by agreement of the parties.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(2)-(4), 440.29(2), 440.33(1), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14-[Date].

NAME OF PERSON ORIGINATING PROPOSED RULE: David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.115 Motion Practice

PURPOSE AND EFFECT: Provides clarity regarding a party desiring an evidentiary hearing.

SUMMARY: Paragraph (4) requires one seeking an evidentiary hearing to so state in the title of a motion.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.115 MOTION PRACTICE. ~~Motion Practice~~

(1) Any request for an order or for other relief shall be by motion and shall have a title describing the relief requested. The judge may treat any request for relief from an unrepresented party as a motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the relief requested and the grounds relied upon. Any document referenced in any motion shall either have been filed prior to the motion or be attached to the motion.

(2) Except for motions to dismiss for lack of prosecution, prior to filing any motion, the movant shall personally confer with the opposing party or parties or, if represented, their attorneys of record to attempt to amicably resolve the subject matter of the motion. All motions shall include a statement that the movant has personally conferred or has used good-faith efforts to confer with all other parties or, if represented, their attorneys of record and shall state whether any party has an objection to the motion. Any motion filed without this certification shall be summarily denied.

(3) A motion which is unopposed shall state why an order is necessary to execute the parties' agreement and shall be accompanied by a proposed order which has a title describing the action to be taken. The motion and proposed order shall specify the relief being requested or ordered in reasonable detail and not merely by reference to any other document.

(4) If the motion has not been amicably resolved, the movant shall file the motion. When time allows, the other parties may, within 15 days of service of the written motion, file a response in opposition. Written motions may be ruled on by the judge before the expiration of the response period and provide for filing an objection to the order within 10 days of the order, or the judge shall rule after the response is filed or after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The judge may ~~shall not~~ hold hearings on motions in his or her discretion. Any party seeking an evidentiary hearing on a motion shall plainly state so in the title of the motion, except in exceptional circumstances and for good cause shown in the motion or response.

(5) Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall specifically describe the good cause for the request.

(6) Motions to expedite discovery or the final hearing shall set forth good cause and shall be served by electronic mail, facsimile, hand delivery, or overnight delivery. Any opposition

to the motion must be filed within four days from the date the motion is served.

Rulemaking Authority 440.25(4)(h), 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(h), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12. [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.116 Prosecution of Claims and Petitions for Benefits

PURPOSE AND EFFECT: Clarifies that any party may ask for a live proceeding rather than video.

SUMMARY: Provides a party may ask if a live hearing is preferred or sought.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.116 PROSECUTION OF CLAIMS AND PETITIONS FOR BENEFITS. ~~Prosecution of Claims and Petitions for Benefits~~

(1) All parties shall diligently prosecute or defend the claim or petition, including but not limited to timely conducting all necessary discovery. A request for a continuance shall be made by motion, shall specify the reason that the continuance is necessary, and shall demonstrate due diligence by describing the specific actions the moving party has taken to correct the circumstances alleged to be beyond the party's control.

(2) A claim or petition may be dismissed by the claimant or petitioner without an order by filing, or announcing on the record, a voluntary dismissal at any time before the conclusion of the final hearing. Unless otherwise stated in the notice, the dismissal is without prejudice, except that a second notice of voluntary dismissal shall operate as an adjudication of denial of any claim or petition for benefits previously the subject of a voluntary dismissal.

(3) The judge may conduct any proceedings by telephone conference. Testimony may be taken by telephone with the written agreement of all parties or approval by the judge. In such event, the oath shall be administered in the physical presence of the witness by a notary public or officer authorized to administer oaths, unless the parties stipulate to administration of the oath telephonically by the judge or the judge determines good cause exists for the judge to administer the oath telephonically.

(4) The judge may conduct any proceedings using video teleconference equipment approved by the OJCC. In the event that testimony is taken by video teleconference, administration of the oath by the judge during the proceeding is as binding as if the judge and witness were physically present in the same room. A motion for an in-person hearing instead of a video teleconference proceeding may be granted upon a showing of good cause.

(5) Upon proper motion of any party, the judge may enter an order reflecting the terms of any written stipulation or agreement between the parties.

(6) Any attorney or unrepresented claimant who has filed a petition for benefits must file a pleading with the judge in order to cancel the corresponding final hearing. The pleading must be filed prior to the scheduled final hearing and shall indicate the manner in which each issue was resolved. Upon receipt of such cancellation pleading, the judge shall change the status of the affected petition or petitions in the OJCC database. Cases with no currently pending issues scheduled for mediation or hearing shall be reflected in the OJCC database as "inactive." Upon changing a case status from active to inactive, the OJCC central clerk shall issue an order documenting such status change.

(7) No more than 10 days but no less than two business days prior to the final hearing, each party is required to file a

brief memorandum consisting of a statement of relevant facts and written argument, which shall include filing dates or docket ID for any evidentiary documents which will be relied upon at trial. All depositions and documentary evidence, including known impeachment and rebuttal evidence a party intends to offer into evidence, shall be filed with the memorandum. Any evidence which is not capable of electronic filing, including but not limited to diagnostic films or audio or audiovisual recordings shall be filed contemporaneously with the memorandum and served on all parties by the same method, U.S. mail, delivery, etc., as delivered to the judge's office. In the event of a re-scheduling or continuance, documents timely filed pursuant to this rule need not be re-filed prior to the re-scheduled or continued hearing. Documentary evidence not timely filed may be excluded from evidence, absent a written stipulation of the parties or an order extending the deadline for filing for good cause shown.

(8) Any party calling a witness in need of translation services shall be responsible to provide therefor. The OJCC will not provide translation services except in exceptional circumstances and upon written request filed with the Deputy Chief Judge at least 10 days prior to the mediation or hearing for which such services are sought and for good cause shown.

(9) Appointment of an expert medical advisor, except during the final hearing, shall be sought by written motion. The motion shall specifically state the conflict in medical opinions, identify the providers who rendered those opinions, their medical specialties, and attach the documentation that memorializes those opinions.

(10) The order appointing an expert medical advisor shall identify the appointed advisor and the conflict to be resolved.

(11) Unless otherwise ordered by the judge, within 10 days of the order appointing an expert medical advisor, the parties shall jointly submit to the appointed advisor a composite of all documents and records which the parties agree the advisor will review. Any party may move for an order to permit submission of additional or non-stipulated records.

(12) The report of an expert medical advisor is admissible in evidence at the final hearing unless excluded by the judge for good cause shown.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4), 440.29(2), 440.33(1), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14. [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:
60Q-6.120 Summary Final Order

PURPOSE AND EFFECT: Clarifies that the standard for summary final order is that used by Florida courts for summary judgement

SUMMARY: Clarifies that the standard for summary final order is that used by Florida courts for summary judgement

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.120 SUMMARY FINAL ORDER ~~Summary Final Order~~

(1) The judge may enter a summary final order when such an order would be dispositive of the issues raised by the subject petition. Issues that would be dispositive include, but are not limited to, whether there is coverage, whether the statute of limitations has run, whether the accident or occupational disease is compensable, whether the claim is barred by res judicata or a prior settlement, whether the judge has jurisdiction over the subject matter, whether the benefit sought has been paid, and whether the alleged employee is an independent contractor.

(2) Any party may file a motion for a summary final order when there is no genuine issue as to any material fact and the granting of the motion would be dispositive of the issues raised by the subject petition. A summary final order shall be rendered if the judge determines from the pleadings and depositions, together with affidavits, if any, that no genuine issue as to any material fact exists and that the moving party is entitled as a matter of law to the entry of a final order. A summary final order may be rendered on the issue of entitlement to a benefit alone although there is a genuine issue as to the amount of the benefits. No motion for summary final order may be filed less than 45 days prior to a scheduled final hearing.

(3) The opposing party shall file a response to a motion for summary final order together with supporting depositions, affidavits, and/or other documents within 30 days after service of the motion for summary final order. The judge shall grant an extension for good cause shown.

(4) When a motion for summary final order is denied, the judge shall impose sanctions pursuant to subsections 60Q-6.125(5) and (6), F.A.C., if the judge determines that the motion violates subsection 60Q-6.125(2), F.A.C.

(5) The motion is deemed denied if the judge has not ruled upon the motion by the commencement of the final hearing.

(6) The summary final order standard provided for in this rule shall be construed and applied in accordance with the Florida summary judgment standard.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(h), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12-~~[Date]~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Langham

david.langham@doah.state.fl.us, (850)595-6310

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:
60Q-6.123 Settlements Under Section 440.20(11),
Florida Statutes

PURPOSE AND EFFECT: Removes requirement for judicial inquiry into "costs" regarding settlements.

SUMMARY: Paragraph (5) is stricken from the rule.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.123 SETTLEMENTS UNDER SECTION 440.20(11), FLORIDA STATUTES ~~Settlements Under Section 440.20(11), Florida Statutes.~~

(1) Settlements under §Section 440.20(11)(a) or (b), F.S., involving unrepresented claimants.

(a) When a joint petition signed by the parties is filed pursuant to §Section 440.20(11)(a) or (b), F.S., it shall be accompanied by:

1. The settlement stipulation executed by any attorneys of record and the employee or claimant;
2. A copy of any prior joint petition and order if indemnity benefits were previously settled, or, if unavailable, an affidavit from the claimant that indemnity was previously settled;
3. A summary or payout sheet indicating total indemnity and medical benefits previously paid, including impairment income benefits;
4. The employee's current work status and other sources of income, if not addressed in the joint stipulation;
5. A status statement from the OJCC or such other source as designated by the Deputy Chief Judge regarding any child support arrearage balance according to Department of Revenue records, and a status statement regarding any child support arrearage balance according to the Florida Clerks of the Circuit and County Courts, as to whether the claimant has or owes any child support arrearage and, if so, the amount thereof;

6. If the claimant is not a Florida resident, or was not a Florida resident on the date of accident, the judge may require the substantial equivalent of the status statements in subparagraph (1)(a)5. from the equivalent authorities in the state or county of residence at either the time of settlement or on the date of accident;

7. A sworn statement by the employee that all existing child support obligations have been disclosed in the joint petition;

8. A letter or statement in the settlement stipulation from counsel stating that the carrier will issue a check in the amount of the arrearage or such other amount to be approved by the judge and that the check will be sent to the Department of Revenue or the Florida Clerks of the Circuit and County Courts, Central Depository;

9. Any other documents in the possession of the parties or their attorneys, including any prior attorney's fee lien, that is material to the disposition of the settlement;

10. For settlements under §Section 440.20(11)(a), F.S., the notice(s) of denial; and

11. For settlements under §Section 440.20(11)(b), F.S., the required notice to the employer, a maximum medical improvement report establishing the date of overall physical maximum medical improvement and psychiatric maximum medical improvement if the latter applies, permanent impairment rating, information concerning the need for future medical care and an estimate of the cost of future medical care, or an explanation as to why an estimate cannot be reasonably obtained, and other essential medical information.

(b) The date and description of all accidents/injuries included in the settlement must be specified.

(c) Language regarding a general release of all liability or claims shall not be included, and no such general release or separate releases shall be attached.

(d) For settlements under §Section 440.20(11)(a), F.S., and when a hearing is deemed necessary by the judge for settlements under §Section 440.20(11)(b), F.S., the attorney for the employer/carrier shall contact the judge to schedule a hearing date and shall promptly notify the claimant of the hearing date, time, and location.

(2) Settlements under §Section 440.20(11)(c), (d), and (e), F.S.

(a) When a motion for approval of attorney's fees and child support allocation is filed pursuant to §Section 440.20(11)(c), (d), or (e), F.S., it shall be signed by the claimant and the claimant's attorney, furnished to all other parties, and contain:

1. A statement that the parties have reached a total settlement of the case;

2. The total monetary amount of the settlement payable by the employer/carrier;

3. The amount of attorney's fees and costs agreed to and payable by the claimant pursuant to the contract of

representation and the net settlement proceeds to be disbursed to the claimant;

4. The amount of child support arrearages, if any, owed by the claimant, together with the amount of child support allocation the claimant requests be deducted from the settlement proceeds, after fees and costs, and the attorney responsible to remit the same to the appropriate child support repository;

5. An attorney’s fee data sheet setting forth the benefits obtained by claimant’s counsel and the value of those benefits, and, depending upon the date of accident and the type of benefit involved, should the claimant’s attorney seek a fee in excess of the statutory percentage, an affidavit specifying the particular statutory criteria forming the basis for the variance;

6. A status statement from the OJCC or such other source as designated by the Deputy Chief Judge regarding any child support arrearage balance according to the Department of Revenue records, and a status statement regarding any child support arrearage balance according to the Florida Clerks of the Circuit and County Courts, as to whether the claimant has an arrearage or owes past due child support and, if so, the amount thereof; a sworn statement by the employee that all existing child support obligations have been disclosed in the joint petition; and a letter from counsel stating that the carrier will issue a check in the amount of the arrearage and/or past due child support or such other amount to be approved by the judge or that claimant’s counsel will deposit the settlement proceeds in a trust account and will issue a check in the amount of the arrearage and/or past due child support or such other amount to be approved by the judge and that the check will be sent to the Department of Revenue or the Clerk of the Circuit and County Courts, Central Depository;

7. If the claimant is not a Florida resident, or was not a Florida resident on the date of accident, the judge may require the substantial equivalent of the status statements in subparagraph (2)(a)6. from the equivalent authorities in the state or county of residence at either the time of settlement or on the date of accident; and

8. The OJCC may obtain child support arrearage data from the Florida Department of Revenue and the Clerk of the various Circuit and County Courts. The OJCC shall list the counties for which such information is available to the OJCC on the internet. For those agencies/counties listed, parties may obtain child support arrearage information through written inquiry to the OJCC.

(3) No hearing shall be held except as deemed necessary by the judge.

(4) Settlement approval when more than one current support order exists. When more than one current support order exists, the judge may approve a proposed settlement only if:

(a) It provides for an equitable share of settlement proceeds; and

(b) The allocation shall be prorated in accord with sSection 61.1301(4)(c), F.S.

~~(5) The judge shall consider the disclosed costs to the extent necessary to determine they do not include the attorney’s overhead or other fees. A claim for cost reimbursement in the amount of \$250 or less shall not be set forth with specificity or detail. Any order approving a joint petition or settlement agreement need not approve costs paid by the claimant.~~

Rulemaking Authority 61.14(8)(a), 440.45(1)(a), (4) FS. Law Implemented 61.14(8)(a), 440.105(3)(c), 440.20(11), 440.34, 440.345, 440.45(1)(a), (4), (5) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 2-28-13, 11-10-14, [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE: David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.125 Sanctions

PURPOSE AND EFFECT: Clarifies the sanction process in keeping with District Court holdings. Delineates grounds in paragraph (1), but removes paragraph (2). The rule adds reference to section 440.32.

SUMMARY: This will make the rule consistent with appellate holdings and clarify process for seeking sanctions.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.
 LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
 david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:
 60Q-6.125 ~~SANCTIONS~~ ~~Sanctions~~

(1) Generally. Failure to comply with the provisions of these rules or any order of the judge may subject a party or attorney to one or more of the following sanctions: striking of claims, petitions, defenses, or pleadings; imposition of costs or attorney's fees; or such other sanctions as the judge may deem appropriate.

~~(2) Representations to the Judge. By filing a pleading or other document or presenting argument before the judge at hearing, an attorney or unrepresented party is certifying to the best of that person's knowledge, information, and belief, formed after inquiry reasonable under the circumstances, that:~~

~~(a) It is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;~~

~~(b) The claims, defenses, and other legal contentions therein are warranted by existing law or by a non frivolous argument for the extension, modification, or reversal of existing law or the establishment of a new law;~~

~~(c) The allegations and other factual contentions are true and have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;~~

~~(d) The denials of factual contentions are true and warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.~~

~~(2)-(3) Determination of Violation. If, after notice and a reasonable opportunity to respond, the judge determines that subsection (1) or (2) has been violated, the judge may impose an appropriate sanction.~~

~~(3)(4) How Initiated.~~

(a) A motion for sanctions under this rule or under the provisions of section 440.32, F.S., shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subsection (1) or the provisions of section 440.32, F.S. ~~(2)~~. Any Motion regarding subsection (1) ~~shall be served but shall not be filed unless the alleged failure challenged paper, claim, defense, allegation, or denial is not withdrawn or appropriately remedied corrected~~ within 21 days after service of the motion. If warranted, the judge may award to the party prevailing on the motion the cost of the proceeding

and attorney's fees incurred in presenting or opposing the motion.

(b) On his or her own initiative, the judge may enter an order describing the specific conduct that appears to violate subsection (1) or the provisions of section 440.32, F.S. ~~or (2)~~ and directing an attorney or party to show cause why sanctions should not be imposed.

~~(4)(5) Nature of Sanctions. (a) A sanction imposed for violation of these rules shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Penalties, fees, and costs awarded under this provision may not be recouped from the party unless the party has committed the violation.~~

~~(b) Monetary sanctions may not be awarded against a represented party for a violation of paragraph (2)(b).~~

~~(5)(6) Order. Any order imposing sanctions shall describe the conduct determined to constitute a violation of the rule or statute and explain the basis for the sanction imposed.~~

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.32, 440.33(1), (2), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12. [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE:
 David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: 60Q-6.126 RULE TITLE: Disqualification or Recusal of Judges
 PURPOSE AND EFFECT: Clarifies incorporation to new Supreme Court rules of General Practice
 SUMMARY: Adopts Fla. R. Gen. Prac. & Jud. Admin. 2.330
 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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us, (850)595-6310.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.126 DISQUALIFICATION OR RECUSAL OF JUDGES ~~Disqualification or Recusal of Judges~~

(1) Any motion for disqualification of a judge shall be made and determined pursuant to ~~Fla. R. Jud. Admin.~~ Fla. R. Gen. Prac. & Jud. Admin. 2.330.

(2) Upon entry of an order of disqualification or after the voluntary recusal of a judge, the Deputy Chief Judge shall reassign the case to another judge.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.442, 440.45(1)(a), (4) FS. History--New 2-23-03, Amended 10-31-12-[Date].

NAME OF PERSON ORIGINATING PROPOSED RULE: David Langham, david.langham@doah.state.fl.us, (850)595-6310.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.: RULE TITLE:

60Q-6.130 Emergency Office Closure

PURPOSE AND EFFECT: Provides clarity to the public regarding how OJCC process will work in emergency situations.

SUMMARY: This will provide the public, parties, and practitioners with clear notice of when offices will close for weather emergencies.

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 been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 440.192, 440.45(1)(a), (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: David Langham
david.langham@doah.state.fl.us (850)5956310

THE FULL TEXT OF THE PROPOSED RULE IS:

60Q-6.130 EMERGENCY OFFICE CLOSURE

(1) The Office of Judges of Compensation Claims is subject to closure pursuant to Gubernatorial instructions or declarations pursuant to Article IV, section 1(a) of the Florida Constitution and the Florida Emergency Management Act.

(2) Whenever the Circuit Courts in the particular county in which an OJCC office is located close, due to a weather or other disaster emergency, the district office of the Office of Judges of Compensation Claims in that county shall likewise close for the duration of the emergency closure ordered by that Circuit Court.

(3) Any unscheduled closure of an OJCC office will be published on the OJCC website, and through such other means deemed necessary by the Deputy Chief Judge.

Rulemaking Authority 440.45(4) FS. Law Implemented 440.25(1), (4)(a)-(e), 440.45(1)(a), (4) FS. History--New [Date].

NAME OF PERSON ORIGINATING PROPOSED RULE: David Langham

david.langham@doah.state.fl.us (850)5956310

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peter Antonacci

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 01, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/14/2021

Section III
Notice of Changes, Corrections and
Withdrawals

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-16.013 Maximum Account Balance Limit
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 47 No. 198, October 12, 2021 issue of the Florida Administrative Register.

This Notice of Correction does not change the proposed rule text. It is filed to provide the basis for the Agency's determination that a SERC is not required, which was inadvertently omitted from the Notice of Proposed Rule. The bases for the Agency's determination that a SERC is not required is as follows:

During a discussion of the proposed rule at the Board Meeting, the Board, based upon the expertise and experience of its members and recommendation by Counsel, determined that a SERC was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-16.014 Unclaimed Refunds
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 47 No. 198, October 12, 2021 issue of the Florida Administrative Register.

This Notice of Correction does not change the proposed rule text. It is filed to provide the basis for the Agency's determination that a SERC is not required, which was inadvertently omitted from the Notice of Proposed Rule. The bases for the Agency's determination that a SERC is not required is as follows:

During a discussion of the proposed rule at the Board Meeting, the Board, based upon the expertise and experience of its members and recommendation by Counsel, determined that a SERC was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:
64D-3.049 Protocols for Controlling COVID-19 in
School Settings
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 47 No. 201, October 15, 2021 issue of the Florida Administrative Register.

64D-3.049 Protocols for Controlling COVID-19 in School Settings

(1) GENERAL PROTOCOLS AND DEFINITION. The following procedures shall be instituted to govern the control of COVID-19 in public schools:

(a) through (c) No change.

~~(d) Schools may adopt requirements for students to wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's sole discretion.~~

~~(e) For purposes of this rule, "direct contact" means cumulative exposure for at least 15 minutes, within six feet.~~

(2) No change

~~(3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19. Schools shall allow parents or legal guardians the authority to choose how their child receives education after having direct contact with an individual that is positive for COVID-19:~~

~~(a) Parents or legal guardians of students who are known to have been in direct contact with an individual who received a positive diagnostic test for COVID-19 may choose one of the following options:~~

~~1. Allow the student to attend school, school-sponsored activities, or be on school property, without restrictions or disparate treatment, so long as the student remains asymptomatic; or~~

~~2. Quarantine the student for a period of time not to exceed seven days from the date of last direct contact with an individual that is positive for COVID-19.~~

~~(b) If a student becomes symptomatic following direct contact with an individual that has tested positive for COVID-19, or tests positive for COVID-19, the procedures set forth in subsection (2), above shall apply.~~

Rulemaking Authority 1003.22(3) FS. Law Implemented 1003.22(3) FS. History—New.

Section IV Emergency Rules

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:
64DER21-17 Standards and Forms for Exemption from
Private Employer COVID-19 Vaccination
Mandates

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to section 381.00317(6), Florida Statutes, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare as all conditions are deemed met to adopt emergency rules pursuant to section 120.54(4), Florida Statutes.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Pursuant to section 381.00317(6), Florida Statutes, the procedures are deemed fair under the circumstances.

SUMMARY: This emergency rule provides the standards and forms for employees to claim exemption from a private employer COVID-19 vaccination mandate.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Carina Blackmore at carina.blackmore@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64DER21-17 Standards and Forms for Exemption from Private Employer COVID-19 Vaccination Mandates

(1) To claim an exemption based on medical reasons, including pregnancy or anticipated pregnancy, an employee must present a completed DH8016-DCHP-11/2021 “Medical Exemption from COVID-19 Vaccination,” form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer.

(2) The following circumstances constitute an anticipated pregnancy:

- (a) the employee intends to become pregnant; and
- (b) the employee is of child-bearing age.

The medical exemption for anticipated pregnancy shall remain in effect for the time that the employee intends to become pregnant and is of child-bearing age. The employer shall accept the representations of the employee in regard to the employee’s intent to become pregnant.

(3) To claim an exemption based on religious reasons, which may include a sincerely held moral or ethical belief, an employee must present a completed DH8017-DCHP-11/2021 “Religious Exemption from COVID-19 Vaccination,” form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their

employer. An employer shall not inquire into the veracity of the employee’s religious beliefs.

(4) To claim an exemption based on COVID-19 immunity, an employee must present a completed DH8018-DCHP-11/2021 “Exemption from COVID-19 Vaccination Based on COVID-19 Immunity,” form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer. For the purpose of claiming an exemption based on COVID-19 immunity, an employee must present proof of either:

(a) A positive laboratory result from a diagnostic test that has received full approval by, or Emergency Use Authorization from, the U.S. Food and Drug Administration, or

(b) A positive laboratory result from an antibody test that has received full approval by, or Emergency Use Authorization from, the U.S. Food and Drug Administration.

(5) To claim an exemption based on periodic testing, an employee must present a completed DH8019-DCHP-11/2021 “Exemption from COVID-19 Vaccination Based on Periodic Testing,” form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer.

(6) For the purpose of claiming an exemption based on periodic testing, an employer can test an employee, using a diagnostic test that has received full approval by, or Emergency Use Authorization from, the U.S. Food and Drug Administration, no more than weekly, or upon evidence of COVID-19 symptoms, at no cost to the employee.

(7) To claim an exemption based on employer-provided personal protective equipment, an employee must present a completed DH8020-DCHP-11/2021 “Exemption from COVID-19 Vaccination Based on Employer-Provided Personal Protective Equipment,” form incorporated by reference herein and available at www.floridahealth.gov, or a substantially similar form to their employer.

Rulemaking Authority 381.00317(1), (1)(a), (1)(c), (6), (6)(a) FS. Law Implemented 381.00317(1), (6)(a) FS. History—New 11-18-21.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 18, 2021

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:
64ER21-18 Penalties for Public Employee COVID-19
Vaccine Mandates

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to section 112.0441(4), Florida Statutes, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare as all

conditions are deemed met to adopt emergency rules pursuant to section 120.54(4), Florida Statutes.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Pursuant to section 112.0441(4), Florida Statutes, the procedures are deemed fair under the circumstances.

SUMMARY: This rule establishes the procedure for imposing penalties against any governmental entity or educational institution for the violation of section 112.0441, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Douglas Woodlief at douglas.woodlief@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER21-18 Penalties for Public Employee COVID-19 Vaccine Mandates

(1) The Department will issue a notice of violation to any governmental entity or educational institution found in violation of section 112.0441, Florida Statutes, prior to final agency action. Such notice will include hearing rights pursuant to section 120.569, Florida Statutes.

(2) Each violation of section 112.0441, Florida Statutes, will result in the imposition of a \$5,000 fine per individual and separate violation against the governmental entity or the educational institution. Fines imposed are due and payable to the Department within 30 days of entry of the final order unless otherwise stated in the final order.

Rulemaking Authority 112.0441(4), FS. Law Implemented 112.0441, FS. History—New 11-18-21.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 18, 2021

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On November 5, 2021 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from ELOTES LLC located in Fort Lauderdale. The above referenced F.A.C.

addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and 3-compartment sink.

The Petition for this variance was published in Vol. 47/217 on November 8, 2021. The Order for this Petition was signed and approved on November 18, 2021. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sinks and 3-compartment sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-28.802 Special Sterile Compounding Permits for Pharmacies and Outsourcing Facilities

The Board of Pharmacy hereby gives notice: that the Petition for Variance or Waiver received on September 30, 2021, from Martin R. Dix, Esquire, on behalf of Integrated Medical Supplies, LLC, seeking a variance or waiver of paragraph 64B16-28.802(6)(b), Florida Administrative Code, has been withdrawn.

A copy of the Order or additional information may be obtained by contacting: Jessica Sapp, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or at info@Floridaspharmacy.gov.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

NOTICE IS HEREBY GIVEN that on November 18, 2021, the Florida Housing Finance Corporation, received a petition for waiver of paragraph 67-21.003(8)(g) from Praxis Venture, LP, to allow a change in Development Type from Garden Apartments to "Mid-Rise 4-stories".

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

NOTICE IS HEREBY GIVEN that on November 18, 2021, the Florida Housing Finance Corporation, received a petition for waiver of paragraphs 67-48.0072(4)(c) and (21)(b) from Miami Beach Housing Initiatives, Inc. for an extension of the deadline for issuance of the firm loan commitment from January 9, 2022 to July 9, 2022.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

NOTICE IS HEREBY GIVEN that on November 19, 2021, the Florida Housing Finance Corporation, received a petition for waiver of subsection 67-48.002(96) FAC (7/11/19) and the 2019 QAP and for Board Approval Pursuant to paragraph 67-48.004(3)(b), FAC (7/11/19) from Valor Preserve, LLLP to permit the requested credit exchange, immediate return of Petitioner's 2020 Housing Credit Allocation, and an immediate allocation of new Housing Credits.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The Petition has also been posted on Florida Housing’s website at floridahousing.org. Florida Housing will accept comments

concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-18.004 Intern Training Agencies.

NOTICE IS HEREBY GIVEN that on October 25, 2021, the Division of Funeral, Cemetery, and Consumer Services, received a petition for waiver of certain requirements of subsection 69K-18.004(3), FAC. The petitions were filed on behalf of Taylor & Modeen Funeral Home, Inc., which is acquiring a funeral establishment that is currently a training agency. Taylor & Modeen Funeral Home, Inc. seeks a waiver such that the number of cases done by the prior owner of the funeral establishment should count against the requirement of the cited rule, so that the training agency status of the funeral establishment may be continued, thus preventing the imposition of serious hardship to the interns currently training at the said funeral establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jasmin Richardson at (850)413-3039.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:

5B-62.006 Citrus Budwood Technical Advisory Committee

The Citrus Budwood Technical Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 1, 2021, 9:30 a.m. – 12:00 Noon

PLACE: FDACS Pest Eradication & Control, 3027 Lake Alfred Road, Winter Haven, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Review of last year's annual report; Update on nursery inspections; Introduction fees discussion; Voting on new variety introduction; Chiefland foundation reduction discussion.

A copy of the agenda may be obtained by contacting: Ben Rosson at F.Rosson@fdacs.gov.

EXECUTIVE OFFICE OF THE GOVERNOR

The Volunteer Florida announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 14, 2021, 2:00 p.m.

ET until all business is complete

PLACE: 1(888)585-9008, Code: 721648837#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business.

A copy of the agenda may be obtained by contacting: Aly Simons, aly@volunteerflorida.org, (850)414-7400.

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: Aly Simons, aly@volunteerflorida.org, (850)414-7400. 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: Aly Simons, aly@volunteerflorida.org, (850)414-7400.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-203.201 Inmate Trust Fund

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

DATE AND TIMES: December 7, 2021, 1:00 p.m. and ending no later than 5:00 p.m.

PLACE: A virtual public hearing will be held via GoToWebinar.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Corrections (FDC) has elected to conduct a public hearing to receive and consider comments and questions regarding proposed Rule 33-203.201, F.A.C. The agenda for the meeting is as follows:

- Public hearing commencement
- Opening remarks and administrative matters
- Overview of proposed rule amendments
- Presentation of FDC initiated amendments
- Public questions and comments
- Closing remarks and administrative matters
- Public hearing adjournment

Inmates may not attend the public hearing. Pursuant to § 120.81(3)(b), F.S., inmates may present evidence and argument on any issues under consideration by submitting written statements to FDC regarding the promulgation of this rule.

Written statements may be mailed to FDC at the following address no later than 24 hours following the conclusion of the public hearing: Florida Department of Corrections, Attn.: FDC Office of the General Counsel (Rule 33-203.201), 501 South Calhoun Street, Tallahassee, Florida 32399. All written statements received at this address will become part of the rulemaking record.

Members of the public may register for the hearing at <https://attendee.gotowebinar.com/register/488316622796426509>. Members of the public who desire to ask questions or provide comments during the hearing must indicate their desire to do so on the registration page no later than December 6, 2021, 5:00 p.m. Due to time constraints, only the first 100 members of the public who register to ask questions or provide comments will be guaranteed to have the opportunity to do so. Each public question and comment period will be limited to two minutes per person. In lieu of asking questions or providing comments during the hearing, members of the public may participate in the public hearing as listeners only. The public hearing will be recorded. A recording and written transcription of the hearing will be available from FDC following the hearing.

Upon completion of the registration process, registrants will be provided a link to join the webinar at the designated time. A telephone number will also be provided for those without the necessary computer hardware to participate in the webinar via the internet and for those who desire only to listen to the webinar.

Questions and comments may be submitted by members of the public to FDC anytime between the publication of this notice until 24 hours following the conclusion of the public hearing. The email address for such submissions is FDCRuleHearing@fdc.myflorida.com. All questions and comments received at this email address will become part of the rulemaking record.

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

A copy of the agenda may be obtained by contacting: Agenda is included above.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Lauren Sanchez at Lauren.Sanchez@fdc.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).

COMMISSION ON ETHICS

The Commission on Ethics announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 3, 2021, 8:30 a.m.

PLACE: First District Court of Appeal, 3rd Floor Courtroom, 2000 Drayton Drive, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission on Ethics Regular Meeting

A copy of the agenda may be obtained by contacting: www.ethics.state.fl.us or (850)488-7864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority

The Tampa Bay Water, a Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATES AND TIMES: January 24, 2022, 9:30 a.m.; February 21, 2022, 9:30 a.m.; March 21, 2022, 9:30 a.m.; April 18, 2022, 9:30 a.m. (Budget Workshop); May 16, 2022, 9:30 a.m.; June 20, 2022, 9:30 a.m. (Budget Public Hearing); August 15, 2022, 9:30 a.m.; September 19, 2022, 9:30 a.m.; October 17, 2022, 9:30 a.m.; November 14, 2022, 9:30 a.m.; December 12, 2022, 9:30. Note there is no meeting in July 2022.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

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: Records Department, (727)796-2355. 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: Records Department, (727)796-2355.

DEPARTMENT OF ELDER AFFAIRS

Office of Public and Professional Guardians

The Foundation for Indigent Guardianship Trust Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2022, 10:00 a.m. – 12:00 Noon

PLACE: Microsoft Teams Meeting

Join on your computer or mobile app by copying and pasting the link below in your web browser.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzRkOTc5YzMtMzYzZi00Yjk2LWI1ZDAtNDNkNDM3Y2RiOGZm%40thread.v2/0?context=%7b%22Tid%22%3a%22f75a7744-d4bf-4623-8660-bcfa3569c2a0%22%2c%22Oid%22%3a%2226c7b903-10d6-406a-86b5-b0263ee9aa9a%22%7d

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors updates relative to The Foundation for Indigent Guardianship Trust Inc.

A copy of the agenda may be obtained by contacting: charles.alkire@verizon.net.

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: OPPG at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2021, 3:00 p.m.

PLACE: Public Opening via Go-to-Meeting:

Join from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/281802925>

Join by Phone: 1(866)899-4679, Access Code: 281-802-925

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bids will be opened for DMS-21/22-197, HVAC Filters

A copy of the agenda may be obtained by contacting: dms.purchasing@dms.fl.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: dms.purchasing@dms.fl.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: dms.purchasing@dms.fl.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

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

DATES AND TIMES: December 14, 2021, 8:30 a.m.

If necessary to complete all business on the agenda, the Commission will also meet on December 15, 2021, 8:30 a.m.

PLACE: Hilton University of Florida Conference Center, 1714 SW 34th Street, Gainesville, FL 32607

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

Rule Workshop - Rule 61G20-1.001, F.A.C.

Rule Workshop - Rule 61G20-2.003, F.A.C.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 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).

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

For more information, you may contact: Mr. Thomas Campbell, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772 or call (850)487-1824, refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

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

DATE AND TIME: Wednesday, December 8, 2021, 9:30 a.m.

PLACE: Harbor Branch Oceanographic Institute, 5600 N US Highway 1, Fort Pierce, Florida 34946 and online.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue-Green Algae Task Force will meet to discuss data collection and modeling needs to enable predictive modeling work that could identify locations of likely blue-green algal blooms. Predictive modeling is one tool being explored to better inform the public and more proactively initiate innovative strategies for technological mitigation. Members of the public and stakeholders are invited to participate and provide public comment. The public and stakeholders will have an opportunity to view and participate in the task force meeting in person or by utilizing the following link: <https://attendee.gotowebinar.com/register/4433133445663754766>. This link can also be found on the department's website at <https://floridadep.gov/Blue-GreenAlgaeTaskForce>. The meeting will go live at approximately 9:30 a.m. on December 8, 2021.

A copy of the agenda will be posted at <https://floridadep.gov/Blue-GreenAlgaeTaskForce>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least five days before the meeting by contacting: Diana Turner, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399; Diana.M.Turner@FloridaDEP.gov, (850)245-2059. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (voice).

For more information, contact Diana Turner at Diana.M.Turner@FloridaDEP.gov or (850)245-2059.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: January 28, 2022, 8:00 a.m. ET

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)901-6528. 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: April 29, 2022, 8:00 a.m. ET

PLACE: Embassy Suites By Hilton Tampa Airport Westshore, 555 North Westshore Boulevard, Tampa, FL 33609

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)901-6528. 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: July 22, 2022, 8:00 a.m. ET

PLACE: Aloft Jacksonville Tapestry Park, 4812 Deer Lake Drive West, Jacksonville, FL 32246

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)901-6528. 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: October 28, 2022, 8:00 a.m. ET

PLACE: The Shores Resort and Spa, 2637 South Atlantic Avenue, Daytona Beach Shores, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)901-6528. 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATES AND TIMES: January 12, 2022, 8:00 a.m. ET; March 23, 2022, 8:00 a.m. ET; May 18, 2022, 8:00 a.m. ET, July 13, 2022, 8:00 a.m. ET; September 21, 2022, 8:00 a.m. ET; November 16, 2022, 8:00 a.m. ET

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting for public disciplinary cases.

A copy of the agenda may be obtained by contacting: The Board of Psychology, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255, by visiting our website at: <http://floridaspsychology.gov/> or by calling the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department Health at (850)901-6528. If you are hearing or speech impaired, please contact the department by calling 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: April 8, 2022, 8:30 a.m. ET

PLACE: Sheraton Orlando North, 600 North Lake Destiny Road, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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

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

agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)245-4444. 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: July 15, 2022, 8:30 a.m. ET

PLACE: The Shores Resort and Spa, 2637 South Atlantic Avenue, Daytona Beach Shores, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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

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

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: October 14, 2022, 8:30 a.m. ET

PLACE: Aloft Jacksonville Tapestry Park, 4812 Deer Lake Drive West, Jacksonville, FL 32246

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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

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

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATES AND TIMES: February 2, 2022, 8:00 a.m. ET; April 13, 2022, 8:00 a.m. ET; June 15, 2022, 8:00 a.m. ET; August 17, 2022, 8:00 a.m. ET; October 12, 2022, 8:00 a.m. ET; December 14, 2022, 8:00 a.m. ET

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting for public disciplinary cases.

A copy of the agenda may be obtained by contacting: The Board of Respiratory Care, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399, by visiting our website at: www.floridasrespiratorycare.gov or by calling the board office at (850)245-4373.

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

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

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

FLORIDA DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections received a Petition for Declaratory Statement on October 27, 2021, from inmate Christopher Thomas, DC# 186326.

The petitioner seeks the opinion of the Department regarding the Department’s policies and procedures concerning inmate recreation as they relate to compliance with ADA standards and paragraph 20.315(d)(1), Florida Statutes.

The petition seeks to resolve a controversy or answer questions or doubts regarding the interpretation and application of the policies as they relate to the Department’s obligation to comply with the ADA and to provide a safe and humane environment for offenders.

Persons whose substantial interests may be affected by a declaratory statement issued in this matter may file a motion to intervene or a petition for administrative hearing within twenty-one (21) days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lauren Sanchez, 501 South Calhoun Street, Tallahassee, Florida 32399, Lauren.Sanchez@fdc.myflorida.com, (850)717-3605.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: **RULE TITLE:**

60S-4.012 Employment After Retirement

NOTICE IS HEREBY GIVEN that The Department of Management Services has received the petition for declaratory statement from City of Sopchoppy, Florida on November 8, 2021. The petition seeks the agency's opinion as to the applicability of The Petition seeks the agency’s opinion as to the applicability of Rule 60S-4.012, F.A.C. as it applies to the Petitioner. as it applies to the petitioner.

Petitioner’s question is whether subsection 60S-4.012(2) will apply to uncompensated Council Members who receive retirement benefits during the reemployment limitation period. Also, Petitioner asks whether Council Members and/or the City will be liable for reimbursement of retirement benefits received by FRS retirees serving on the Council during the reemployment limitation period.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lauren Douglas, Executive Assistant to the General Counsel, 4050 Esplanade Way, Suite 160, Tallahassee, FL 32399, (850)414-7603, lauren.douglas@dms.fl.gov.

Please refer all comments to: Lauren Douglas, Executive Assistant to the General Counsel (850)414-7603, lauren.douglas@dms.fl.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-3.001 Scope

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Advanced Building Products, Inc. The petition seeks the agency's opinion as to the applicability of Rule 61G20-3.001, F.A.C., as it applies to the petitioner.

Petitioner seeks clarification about whether their entangled net products for drainage and ventilation fall within the scope of the state product approval program.

A copy of the Petition for Declaratory Statement may be obtained by contacting: The Agency Clerk's Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)921-0342, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Mo Madani, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, mo.madani@myfloridalicense.com or W. Justin Vogel, Office of the General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)717-1795, wjustin.vogel@myfloridalicense.com.

RESPONSES, MOTIONS TO INTERVENE, OR REQUESTS FOR A HEARING MUST BE FILED WITHIN 21 DAYS OF THIS NOTICE.

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

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

POSITIVE BEHAVIOR SUPPORT,

Petitioner,

vs.

AGENCY FOR HEALTH CARE ADMINISTRATION,

Respondent.

CASE NO.: 21-002714; RULE NO.: 59G-4.132

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 HEALTH

72020100 Gadsden CHD (Quincy) - HVAC Replacement
ADVERTISEMENT FOR BIDS

THE FLORIDA DEPARTMENT OF HEALTH - DESIGN AND CONSTRUCTION SECTION (DCS), IS SOLICITING COMPETITIVE, SEALED BIDS FROM A QUALIFIED MECHANICAL CONTRACTOR OR GENERAL CONTRACTOR, LICENSED TO WORK IN THE JURISDICTION FOR THE PROJECT LISTED BELOW:

FDOH PROJECT NO: 72020100

PROJECT NAME & LOCATION: GADSDEN (QUINCY) CHD HVAC REPLACEMENT, 278 LASALLE LEFFALL DRIVE, QUINCY, FLORIDA 32351

FOR: All labor, materials, equipment, supervision and permits to successfully complete all work per the construction documents.

SEALED BIDS WILL BE RECEIVED PUBLICLY, OPENED AND READ ALOUD ON:

DECEMBER 14, 2021 - 2:00 PM EST - 278 LASALLE LEFFALL DRIVE, QUINCY, FLORIDA 32351

SUBMIT SEALED BIDS TO: SHERONDA JACKSON, or as alternate DAVID JACKSON – 278 LASALLE LEFFALL DRIVE, QUINCY, FLORIDA 32351

SUBMIT ALL QUESTIONS TO: THOMAS MATTHIAS, thomas.matthias@flhealth.gov, (850)509-3198.

REQUEST FOR INFORMATION (RFI): send to: MARK POINDEXTER, P.E., inbox@h2engineering.com, (850)224-7922

Final due date for RFI is December 2, 2021.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the General Terms and Conditions and all Bid Documents.

BID DOCUMENTS: Full sets of drawings, specifications, proposal forms/exhibits, and addenda in electronic PDF format may be acquired from the Engineer:

E2ENGINEERING, INC. (MARK POINDEXTER) inbox@h2engineering.com, (850)224-7922

NON-MANDATORY PRE-BID MEETING: The D&C Representative and Engineer shall conduct a pre-bid meeting as indicated below:

Meeting Date: November 30, 2021

Meeting Time: 11:00 a.m. ET

Location: 278 LASALLE LEFFALL DRIVE, QUINCY, FLORIDA 32351

PREBID SITE REVIEW: Bidders who wish to review the project site should attend the pre-bid. No access will be given to walk-ups

BID BOND: The bidder shall enclose a certified check, cashier's check, treasurer's check, bank draft or Bid Bond in the amount of not less than five percent (5%) of the Bid, payable to the Owner as a guarantee for the purpose set out in Instructions to Bidders. (Failure to submit a bid bond will result in disqualification).

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: A Performance Bond and a Labor and Material Payment Bond are required for this project if bid exceeds \$100,000 in aggregate. Required bonds will be issued as per sub subparagraph 60D-5.004(2)(b)1.c, F.A.C.

PREQUALIFICATION: Each bidder must submit a copy of their current Florida Department of Management Services (DMS) biennial prequalification letter to the Design Professional listed above at the time of requesting the bid document package or no later than five (5) calendar days prior to the bid opening date (Please verify DMS pre-qualification is still valid prior to sending). Please call the DMS representative at (850)413-9588 for information on requirements for pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with paragraph 60D-5.004(2)b, F.A.C.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting on the DMS, Vendor Bid System website at http://vbs.dms.state.fl.us/vbs/vbs_www.main_menu Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION, DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: Under subsection 287.134(2) Florida Statutes,

entities or affiliates who have been placed on the State of Florida’s discriminatory vendor list may not submit a bid or proposal on this contract.

City of Ft. Lauderdale

NOTICE OF RECEIPT OF UNSOLICITED PROPOSAL AND INVITATION TO SUBMIT PROPOSALS TO DEVELOP, OPERATE, AND MAINTAIN A MULTI-USE STRUCTURE WITH PUBLIC PARKING, A FIRE RESCUE/EMS SUBSTATION, AND RETAIL

PLEASE TAKE NOTICE that the City of Fort Lauderdale, Florida, has received an unsolicited proposal from a private entity pursuant to Section 255.065, Florida Statutes, to develop, operate, and maintain a multi-use structure with public parking, a Fire Rescue/EMS Substation, and retail, at the site of an existing City parking lot located at the southeast corner of SE 2nd Court and SE 8th Avenue, Fort Lauderdale, Florida. The City of Fort Lauderdale will accept other proposals for the same project on or before the thirtieth day after Monday, November 22, 2021. Other proposals for the same project must be received in writing in the City of Fort Lauderdale City Manager’s Office, 100 North Andrews Avenue, Fort Lauderdale, Florida, 33301, before 5:00 p.m. local time on Wednesday, December 22, 2021. Jeffrey A. Modarelli, City Clerk

Publish: Florida Administrative Register: November 22, 2021, and November 29, 2021

South Florida SunSentinel: November 22, 2021, and November 29, 2021

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., Monday, November 15, 2021 and 3:00 p.m., Friday, November 19, 2021.

Rule No.	File Date	Effective Date
1B-26.003	11/16/2021	12/6/2021
20-9.002	11/16/2021	12/6/2021
25-30.025	11/18/2021	12/8/2021
25-30.446	11/18/2021	12/8/2021
25-30.455	11/18/2021	12/8/2021
25-30.456	11/18/2021	12/8/2021
25-30.565	11/18/2021	12/8/2021
59G-4.140	11/15/2021	12/5/2021
61-35.010	11/17/2021	12/7/2021

61G6-9.006	11/15/2021	12/5/2021
61H1-27.0041	11/18/2021	12/8/2021
62-600.405	11/16/2021	**/**/****
62-600.410	11/16/2021	12/6/2021
62-600.680	11/16/2021	12/6/2021
62-600.700	11/16/2021	12/6/2021
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
62-600.735	11/16/2021	12/6/2021
64B2-16.003	11/18/2021	12/8/2021
64B2-16.0075	11/18/2021	12/8/2021
64B2-16.011	11/18/2021	12/8/2021
64B3-2.003	11/16/2021	12/6/2021
64B3-5.003	11/16/2021	12/6/2021
64B4-3.003	11/18/2021	12/8/2021
64B4-5.001	11/18/2021	12/8/2021
64B8-4.029	11/17/2021	12/7/2021
64B8-30.003	11/16/2021	12/6/2021
64B8-30.004	11/16/2021	12/6/2021
64B8-30.008	11/16/2021	12/6/2021
64B8-30.009	11/16/2021	12/6/2021
64B8-30.013	11/16/2021	12/6/2021
64B8-30.014	11/16/2021	12/6/2021
64B8-30.015	11/16/2021	12/6/2021
64B13-10.001	11/18/2021	12/8/2021
64B13-15.005	11/16/2021	12/6/2021
64B15-6.003	11/16/2021	12/6/2021
64B15-6.0031	11/16/2021	12/6/2021
64B15-6.0038	11/16/2021	12/6/2021
64B15-6.004	11/16/2021	12/6/2021
64B15-6.0105	11/16/2021	12/6/2021
64B15-6.01051	11/16/2021	12/6/2021
64B15-6.011	11/16/2021	12/6/2021
64B15-12.0031	11/17/2021	12/7/2021
64B16-15.006	11/16/2021	12/6/2021
64DER21-17	11/18/2021	11/18/2021
64DER21-18	11/18/2021	11/18/2021
68-1.003	11/17/2021	12/7/2021
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/*****
60P-1.003	11/5/2019	**/**/*****
60P-2.002	11/5/2019	**/**/*****
60P-2.003	11/5/2019	**/**/*****
62-600.405	11/16/2021	**/**/*****
62-600.705	11/16/2021	**/**/*****
62-600.720	11/16/2021	**/**/*****
64B8-10.003	12/9/2015	**/**/*****
69L-7.020	10/22/2021	**/**/*****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of MX Mud Cleaner USA, Inc., SHGY

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Amstar Motor Corporation, intends to allow the establishment of MX Mud Cleaner USA, Inc., as a dealership for the sale of motorcycles manufactured by Sanyou Holding Group Yinyou Motorcycle (line-make SHGY) at 750 E Sample Road, Building 1 Suite 5, Pompano Beach, (Broward County), Florida 33064, on or after December 20, 2021.

The name and address of the dealer operator(s) and principal investor(s) of Mx Mud Cleaner USA, Inc., are dealer operator(s): Marcio Anderoli, 1942 Northeast 6th Street, Deerfield Beach, Florida 33064; principal investor(s): Marcio Anderoli, 1942 Northeast 6th Street, Deerfield Beach, Florida 33064.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Lawrence Y. Luo, Amstar Motor Corporation, 11809 Jersey Boulevard, Rancho Cucamonga, California 91748.

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

DEPARTMENT OF HEALTH

Notice of Variances and Waivers from Emergency Rule

RULE NO.: RULE TITLE:

64ER20-32 MMTc Packaging and Labeling

NOTICE IS HEREBY GIVEN that on November 17, 2021, the Department of Health received an Amended Emergency Petition for Variance or Waiver from Trulieve, Inc. The petition seeks a variance or waiver from emergency paragraph 64ER20-32(5)(c), which requires each single serving portion of a multi-serving drink powder offered by a medical marijuana treatment center to be individually wrapped and placed inside of a receptacle. Any interested person or other agency may submit written comments within 5 days after the publication of this notice to: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703 or by facsimile at (850)413-8743.

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

Section XIII

Index to Rules Filed During Preceding Week

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