

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

- RULE NOS.:      RULE TITLES:
- 5E-14.117      Application for Department Credentials
- 5E-14.132      Certificate Issuance and Renewal Fees
- 5E-14.136      Fumigation Special Identification Card Examination, Renewal Fees, Forms, and Duties
- 5E-14.142      Responsibilities and Duties - Records, Reports, Advertising, Applications
- 5E-14.149      Enforcement and Penalties

**PURPOSE AND EFFECT:** Proposed changes consist of expanding the articulated criminal offenses for which denial of an application for pest control licensure will be issued. Additionally, the proposed changes will add a question related to the applicant’s criminal history to each application and renewal application for pest control licensure.

**SUBJECT AREA TO BE ADDRESSED:** Proposed modifications to s. 5E-14.149 will expand the crimes requiring denial of licensure which are directly related to standards determined by the Department, for which denial of licensure is necessary and reasonably related to the protection of the public health, safety, and welfare. Sections 5E-14.117, .132, .136 and .142 will codify the revision date to multiple FDACS forms. All of the applications/forms for new and renewal licensure will be amended to include questions related to the applicant’s criminal history.

**RULEMAKING AUTHORITY:** 482.051, 482.151, 482.1562, 570.07(23)

**LAW IMPLEMENTED:** 112.011(1)(a), 120.695, 482.021(21), 482.032, 482.051(1), (5), 482.061, 482.071, 482.091, 482.111, 482.111(5), (9), 482.121, 482.132, 482.132(1), 482.141, 482.151, 482.152, 482.155, 482.156, 482.1562, 482.157, 482.161(1)(d), 482.163, 482.226(1), (6), 482.2265

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

**DATE AND TIME:** June 30, 2022 8:30 AM – 12:30 PM ET, or until conclusion of the workshop, whichever occurs first.

**PLACE:** Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/690111885> or dial in using your phone: (Toll Free): 1(866)899 4679, Access Code: 690-111-885

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Gerald Everton; (850)617-7997; [Gerald.Everton@fdacs.gov](mailto:Gerald.Everton@fdacs.gov)

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

- RULE NO.:      RULE TITLE:
- 6A-6.0981      Provider Approval and Renewal for Virtual Instruction Program

**PURPOSE AND EFFECT:** To update Rule 6A-6.0981; Form VSP-02 Virtual Instruction Program Application for Provider Approval; and Form VSP-02R Virtual Instruction Program Application for Provider Renewal. The rule will be updated to reflect change in provider approval, incorporate Model Virtual Instruction Program Contract (Form VIP-C) and Virtual Instruction Financial Statement (Form VIP-FS) into rule, and applicant’s assurance of submitting audit report to the State Board of Education and the Auditor General. The applications will be updated to reflect new B.E.S.T. Standards.

**SUBJECT AREA TO BE ADDRESSED:** Applications for Virtual Instruction Program Providers.

**RULEMAKING AUTHORITY:** 1001.02(1), (2)(n), 1002.45(11), F.S.

**LAW IMPLEMENTED:** 1002.45, F.S.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** June 30, 2022, 10 a.m.

**PLACE:** Conference Call: 1(888)585-9008; Conference ID: 557-224-161.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Sandy Eggers, Virtual Education Director, Office of Independent Education and Parental Choice, [Sandra.Eggers@fldoe.org](mailto:Sandra.Eggers@fldoe.org). 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](mailto:Christian.Emerson@fldoe.org).

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

- RULE NO.:      RULE TITLE:
- 6A-6.0982      Florida Approved Online Course Providers

**PURPOSE AND EFFECT:** : To update Rule 6A-6.0982; Form VSP-03, Online Course Provider Approval Application; Form

VSP-04, Application for Currently Approved Online Course Provider; and Form VSP-05, Online Course Provider Renewal Approval Application. The applications will be updated to reflect the new B.E.S.T Standards requirements.

**SUBJECT AREA TO BE ADDRESSED:** Applications for Online Course Providers.

**RULEMAKING AUTHORITY:** 1001.02(1), (2)(n), 1003.499(2)(b), F.S.

**LAW IMPLEMENTED:** 1003.499(2)(b), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

**DATE AND TIME:** June 30, 2022, 10 a.m.

**PLACE:** Conference Call: 1(888)585-9008 Conference ID: 557-224-161.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandy Eggers, Virtual Education Director, Office of Independent Education and Parental Choice, Sandra.Eggers@fldoe.org. 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](mailto:Christian.Emerson@fldoe.org).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61H1-33.003	Continuing Professional Education
61H1-33.0033	Obligations of CPA Ethics Course Continuing Education Providers
61H1-33.006	Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees

**PURPOSE AND EFFECT:** The Board proposes rule amendments for continuing professional education, obligations of CPA ethics course continuing education providers, and inactive or delinquent Florida certified public accountants who desire to become active licensees.

**SUBJECT AREA TO BE ADDRESSED:** To update and clarify the rule language.

**RULEMAKING AUTHORITY:** 455.213(7), 455.2178, 455.2179, 455.271, 473.304, 473.312, 473.313 FS.

**LAW IMPLEMENTED:** 455.213(7), 455.2178, 455.2179, 455.271, 473.312, 473.313, 559.79 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: Roger Scarborough, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607, [Roger.Scarborough@myfloridalicense.com](mailto:Roger.Scarborough@myfloridalicense.com).

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

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

**RULE NO.:** 5B-63.001 **RULE TITLE:** Citrus Health Response Program

**PURPOSE AND EFFECT:** To clarify the Department’s regulatory requirements for the Citrus Health Response Program; put into effect new requirements pertaining to the movement of citrus fruit between Florida and other states; incorporate new material; update federal and state incorporated material.

**SUMMARY:** To clarify regulations of the Citrus Health Response Program.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. There is no fee being imposed, nor is there any requirement for industry stakeholders to purchase equipment to carry out regulatory requirements. Additionally, no interested party submitted additional information regarding the economic impact.

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: 570.07(21), (23), 581.031(1), (4), (5), 581.091(1), 581.101(1), and 581.184, FS.

LAW IMPLEMENTED: 570.07(2), (13), (21), 581.031(6), (7), (9), (15), (17), (26), 581.083, 581.101, 581.131, 581.141, 581.184, and 581.211, 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: Dr. Greg Hodges, Assistant Director, P.O. Box 147100, Gainesville, FL, (352)395-4627, Greg.Hodges@FDACS.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 5B-63.001 follows. See Florida Administrative Code for present text.

**5B-63.001 Citrus Health Response Program.**

(1) Definitions. For the purpose of this rule, the definitions in section 581.011, F.S., and the following definitions shall apply:

(a) “abandoned grove” means a commercial citrus grove without production, care, or commercial harvesting activities, or has minimal or no production value, or is no longer economically viable as a commercial citrus grove.

(b) “Abandoned Grove Initiative” means a program developed to encourage removal of abandoned groves by offering growers property tax abatement as an incentive to remove their abandoned groves.

(c) “approved decontaminants” means products verified as effective by the Department and capable of decontaminating equipment and personnel of citrus black spot, citrus canker, or other organisms of regulatory significance.

(d) “approved landfill” means a facility permitted and designated as Class I by the Florida Department of Environmental Protection and designed for the disposal of waste to include citrus plant material that may be infected or contaminated by any organisms of regulatory significance.

(e) “Asian citrus psyllid” means the insect known as the Asian citrus psyllid, *Diaphorina citri* Kuwayama, classified in the order Homoptera, family Psyllidae, and all of its life stages.

(f) “budwood facility or citrus nursery” means a geographically distinct location where citrus nursery stock is produced for wholesale or retail sale, is held for movement to another location or is used within a citrus grove, or where citrus trees are maintained as sources of budwood or seed in order to propagate citrus nursery stock.

(g) “caretaker” means a person or company that has been contracted to provide production and/or management services of a commercial citrus grove.

(h) “citrus” means all plants, plant parts, and plant products, including seed and fruit, of all genera species, and varieties of the Rutaceous subfamilies Aurantiodeae, Rutoideae, and Toddalioidae, unless specifically excluded by the rules of the Department.

(i) “citrus black spot” means a fungal disease of citrus incited by the fungal organism *Phyllosticta citricarpa* (formally known as *Guignardia citricarpa*).

(j) “citrus canker” means a bacterial disease of citrus incited by the organism *Xanthomonas citri* subsp. *citri* (formerly known as *Xanthomonas axonopodis* pv. *citri*), Asian strain and *Xanthomonas citri* pv. *aurantifolii*.

(k) “citrus culls” means blemished or otherwise non-marketable fruit.

(l) “citrus greening” means a phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter asiaticus*, *Candidatus Liberibacter americanus*, and *Candidatus Liberibacter africanus* (also known as huanglongbing, yellow dragon disease, or yellow shoot disease).

(m) “Citrus Health Response Program (CHRP)” means the successor program to the Citrus Canker Eradication Program, which is used to sustain the citrus industry, to maintain growers’ continued access to export markets, and to safeguard the other citrus producing areas against organisms of regulatory significance.

(n) “commercial citrus grove” means a solid set planting of 40 or more citrus trees, or any citrus planting from which fruit is marketed.

(o) “exposed” means determined by the Department to likely harbor citrus black spot or citrus canker bacteria, but not expressing visible symptoms or determined by the Department to likely harbor citrus greening bacteria or any other organism of regulatory significance because of proximity to infected plants or infected vectors of organisms of regulatory significance.

(p) “foundation tree” means a citrus tree owned and maintained by the Department in accordance with Rule 5B-62.014, F.A.C., to provide a source of budwood to nurseries, primarily for establishing scion and increase trees.

(q) “infected” means citrus trees harboring any organisms of regulatory significance as confirmed by diagnostic tests conducted in laboratories approved by the Department or the USDA.

(r) “multi-block” means a solid set planting of citrus trees that have been surveyed and mapped by the Citrus Health Response Program, is identified by a unique number, and is

under compliance per the stipulation outlined in the Grower / Caretaker Compliance Agreement, FDACS-08316, Rev. 04/22.

(s) “regulated articles” means any article capable of transporting or harboring any organisms of regulatory significance.

(t) “regulatory significance” means the same as the term ‘plant pest’ which is defined in Section 581.011(26), F.S., as any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or their reproductive parts, or viruses, or any organisms similar to or allied with any of the foregoing, including any genetically engineered organisms, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants or plant parts or any processed, manufactured, or other plant products.

(2) Purpose. The purpose of this rule is to manage the impact of organisms of regulatory significance in commercial citrus groves. This rule sets forth regulated articles and regulates the movement of citrus nursery stock from pest-infested areas or those quarantined for citrus black spot.

(3) The following documents are incorporated herein by reference and are available online as indicated.

(a) Limited Permit for Harvesting Citrus Fruit with Leaves and Stems Attached, FDACS-08087, 04/22, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(b) Limited Permit for Harvesting Interstate Citrus Fruit, FDACS-08088, 04/22, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(c) Intrastate Packinghouse Compliance Agreement, FDACS-08089, 04/22, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(d) Limited Permit for Quarantined Citrus Waste Disposal Site, FDACS-08090, 04/22, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(e) Application for Limited Permit for Citrus Waste Disposal Site, FDACS-08091, 04/22, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(f) Citrus Fruit Harvesting Limited Permit, FDACS-08123, Rev. 04/22, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(g) Limited Permit for Citrus Waste Disposal Site, FDACS-08126, Rev. 04/22, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(h) Limited Permit, FDACS-08156, Rev. 04/22, <http://flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(i) Grower/Caretaker Compliance Agreement, FDACS-08316, Rev. 04/22, <http://www.flrules.gov/Gateway/reference.asp?No=Ref-XXXXX>.

(j) Citrus Processor Compliance Agreement, FDACS-08356, Rev. 04/22, <http://www.flrules.gov/Gateway/reference.asp?No=Ref-XXXXX>.

(k) Harvester/Hauler Compliance Agreement, FDACS-08359, Rev. 04/22, <http://www.flrules.gov/Gateway/reference.asp?No=Ref-XXXXX>.

(l) Citrus Health Response Program Application for Participation, FDACS 08415, Rev. 04/22, <http://www.flrules.gov/Gateway/reference.asp?No=Ref-XXXXX>.

(m) Abandoned Grove Compliance Agreement, FDACS 08464, Rev. 04/22, <http://www.flrules.gov/Gateway/reference.asp?No=Ref-XXXXX>.

(n) Schedule 10, *Information Resources*, Rev. April 2022, <http://www.flrules.gov/Gateway/reference.asp?No=Ref-XXXXX>.

(o) Schedule 11, *Approved Decontamination Products and Methods*, Rev. April 2022, <http://www.flrules.org/Gateway/reference.asp?No=?=Ref-XXXXX>.

(p) Schedule 12, *Citrus Waste/Debris Shipment Log*, Rev. April 2022, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(4) Quarantine areas.

(a) State quarantines will be based upon a risk assessment that reviews the latest scientific information on the disease and vector, geographical area, site of production, treatments or control actions, surveys conducted, and confirmation of diagnostic tests conducted in laboratories approved by the Department or USDA.

(b) Any areas around a site where an infestation of citrus black spot is known to occur will also be quarantined due to their inseparability for quarantine enforcement purposes. The geographical boundaries of the quarantine area will be based on the potential of citrus black spot being present and will encompass only citrus black spot positive multi-blocks. Affected businesses or residents will be notified in writing unless too numerous to contact individually. In those cases, the quarantine area will be published in a major newspaper of general distribution in the quarantine area, provided to affected

industry groups, and published on the Department's website at <https://FDACS.gov>.

(c) The entire state of Florida is under a federal quarantine for citrus canker, citrus greening and the Asian citrus psyllid.

(5) Movement of regulated articles from or through a quarantine area.

(a) The movement or planting of citrus black spot host plants from or within a citrus black spot quarantine area is prohibited unless produced in compliance with Rule Chapter 5B-62, F.A.C.

(b) The movement of citrus fruit from a citrus black spot quarantine area must follow the guidelines outlined in the Grower/Caretaker Compliance Agreement, FDACS-08316, Rev. 04/22, Citrus Processor Compliance Agreement, FDACS-08356, Rev. 04/22, the Harvester/Hauler Compliance Agreement, FDACS-08359, Rev. 04/22, the Intrastate Packinghouse Compliance Agreement, FDACS-08089, 04/22, along with a Limited Permit, FDACS-08156, Rev. 04/22, if it accompanies the load.

(c) Details for handling citrus fruit and plant debris regarding citrus black spot may be found in Federal Orders DA-2012-09, Quarantine for *Guignardia citricarpa* Kiely, March 16, 2012, DA-2014-29, Expansion of Citrus Black Spot Regulated Area in Florida, June 3, 2014, and in State regulations as detailed in subsection (5). These federal orders are incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(d) Once citrus, other than fruit, is introduced into a citrus black spot quarantine area, it is considered exposed and shall not be moved within or out of the citrus black spot quarantine area.

(e) The movement of citrus fruit from a citrus canker quarantine area is governed by USDA regulations contained in 7 CFR §301.75, Subpart – Citrus Canker, Notice of Quarantine and Regulations, 1-1-21 Edition. There are no restrictions on citrus fruit movement from citrus greening quarantine areas. See 7 CFR §301.76, Subpart – Citrus Greening and Asian Citrus Psyllid, 1-1-21 Edition, for restrictions on the interstate movement. These federal regulations are incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and <http://www.flrule.org/Gateway/reference.asp?No=Ref-XXXXX> or [www.govinfo.gov](http://www.govinfo.gov).

(f) Citrus culls, leaves, plant material, and debris cleaned from trailers, field boxes or bins, handled by packinghouses, and processing plants originating from a citrus black spot quarantine area must follow the guidelines under the Citrus Processor Compliance Agreement, FDACS 08356, Rev. 04/22, or USDA APHIS PPQ Form 519, Compliance Agreement, Sep

2012. USDA APHIS PPQ Form 519 is incorporated herein by reference and available online at <http://flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Limited Permit for Quarantined Citrus Waste Disposal Site, FDACS-08090, 04/22 is required for the disposal of quarantine material prior to commencement of any material movement. Persons seeking a permit shall submit a completed Application for Limited Permit for Citrus Waste Disposal Site, FDACS-08091, 04/22. Quarantine citrus waste may move under a Limited Permit, FDACS 08156, Rev. 04/22, or move under a valid Citrus Health Response Program compliance agreement.

(g) Citrus fruit, leaves, plant material, and debris originating from outside citrus black spot quarantine areas may be disposed of in an approved citrus waste disposal site and must follow the stipulations as outlined in the Limited Permit for Citrus Waste Disposal Site, FDACS-08126, Rev. 04/22. Persons seeking the permit shall submit a completed Application for Limited Permit for Citrus Waste Disposal Site, FDACS-08091, 04/22.

(h) Movement of citrus tree material that will be mulched, chipped, compacted, or baled and utilized must follow the regulations contained in subsection (5). When an organism of regulatory significance is detected in biomass materials, the Department may require special handling to prevent the spread of organisms of regulatory significance as determined by a risk assessment performed by the Department. The risk assessment will be based upon the latest scientific research available on the organism of regulatory significance.

(i) The harvesting, mulching, treatment, movement, and processing of citrus tree material from a citrus black spot quarantine area is subject to restrictions contained herein. Limited Permit for Quarantined Citrus Waste Disposal Site, FDACS-08090, 04/22 is required prior to commencement of any material movement. Persons seeking a permit shall submit a completed Application for Limited Permit for Citrus Waste Disposal Site, FDACS-08091, 04/22.

(6) Intrastate packinghouses outside of a citrus black spot quarantine area, and packing fruit not originating from a citrus black spot quarantine area is regulated as outlined in the Intrastate Packinghouse Compliance Agreement, FDACS-08089, 04/22.

#### (7) Regulated Areas.

(a) A regulated area, not to exceed a radius of one mile, is hereby established around the perimeter of certified citrus nurseries constructed on sites after April 1, 2006. A regulated area, not to exceed a radius of ten miles is hereby established around the perimeter of all sites on which foundation trees are maintained. The planting of citrus in these regulated areas is prohibited. Citrus plants within a regulated area that were planted prior to the establishment of the regulated area may

remain unless they are determined to be infected or infested with any organism of regulatory significance.

(b) When an organism of regulatory significance is detected in a regulated area, the Department may require the removal of citrus trees in the regulated area if their presence will result in the spread of the organism of regulatory significance as determined by a risk assessment performed by the Department. The risk assessment will be based upon the following criteria:

1. Economic impact to the citrus industry and to the State of Florida;

2. The latest scientific research available on the organism of regulatory significance and vector; and.

3. Impact to the growers', caretakers', processors', and packers' ability to produce citrus and maintain the industry's viability.

(c) The property owner shall be responsible for the removal of citrus trees if removal is required. Notice of the removal of citrus trees, by immediate final order, shall be provided to the owner of the property on which such trees are located. An immediate final order issued by the Department pursuant to this section shall notify the property owner that the citrus trees that are the subject of the immediate final order must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests.

(8) All citrus grove owners or their assigned representatives, caretakers, harvesters, haulers, packers, and processors must sign the appropriate compliance agreements.

(9) Decontamination requirements. All citrus harvesters, intermediate handlers, grove owners, caretakers, packers, processors, and nurseries that grow, manage, harvest, handle, move, process, pack, or sell citrus plants, trees fruit culls, biomass, or debris, must decontaminate equipment, personnel, and regulated articles in accordance with applicable compliance agreements, and have approved decontaminants, on site at all times when in a citrus grove. Approved decontaminants are listed in Schedule 11, *Approved Decontamination Products and Methods*, Rev. August 2021.

(10) Decontamination procedures. Prior to entering a commercial citrus grove, all personnel, equipment, and regulated articles must be decontaminated in accordance with Schedule 11.

(11) Citrus grove surveys.

(a) Citrus grove owners and caretakers shall inspect each of their groves every 90 days. If any organism of regulatory significance is found, the Department must be notified no later than the next business day. Failure to notify the Department that an organism of regulatory significance has been found is a violation of section 581.091, F.S., and this rule.

(b) Citrus growers seeking to ship citrus fruit to the European Union or other restricted markets must submit a completed Citrus Health Response Program Application for Participation, FDACS 08415, Rev. 04/22, to the local FDACS Citrus Health Response Program field office and ask for an inspection of the grower's listed grove block(s). If said grove block(s) passes the required inspection of the restricted market, a Citrus Fruit Harvesting Limited Permit, FDACS 08123, Rev. 04/22, will be issued to the grower.

(c) Citrus growers seeking to move fruit to a packinghouse facility in the State of Georgia must submit a completed Citrus Health Response Program Application, FDACS 08415, Rev. 04/22, to the local FDACS Citrus Health Response Program field office and ask for an inspection of grower's listed block(s). If said grove block(s) passes inspection, a Citrus Fruit Harvesting Limited Permit, FDACS 08123, Rev. 04/22, will be issued to the grower.

(d) Growers and property owners are encouraged to participate in the FDACS Abandoned Grove Initiative. Abandoned groves are known to organisms of regulatory significance and are considered agricultural nuisances. Information on this initiative may be found in the Abandoned Grove Compliance Agreement, FDACS-08464, Rev. 04/22.

Rulemaking Authority 570.07(21), (23), 581.031(1), (4), (5), 581.091(1), 581.101(1), 581.184 FS. Law Implemented 570.07(2), (13), (21), 581.031(6), (7), (9), (15), (17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS. History—New 8-28-07, Amended 4-17-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Trevor Smith, Division Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Nicole "Nikki" Fried

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 06/03/2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 06/09/2022

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### Section III

#### Notice of Changes, Corrections and Withdrawals

NONE

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## Section IV Emergency Rules

### DEPARTMENT OF HEALTH

#### Board of Medicine

RULE NO.:       RULE TITLE:

64B8ER22-3     Standard of Care for Office Surgery

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The Board of Medicine (hereinafter the “Board”) has statutory authority to set standards of practice and care for various practice settings. Pursuant to this authority, the Board has promulgated rules setting forth standards of practice and care for office surgery settings where cosmetic surgeries are commonly performed.

During recent years gluteal fat grafting, commonly referred to in marketing literature and the media as the “Brazilian Butt Lift,” has become a popular cosmetic procedure in Florida and around the world. It is a procedure, commonly performed in office surgery facilities, where a surgeon removes fat from an unwanted area such as the abdomen or thighs and inserts the fat into the patient’s buttocks to enlarge and recontour the buttocks. Unfortunately, this procedure has been connected to numerous patient deaths.

This issue first came to the Board’s attention through multiple disciplinary actions taken against physicians who performed gluteal fat transfers in office surgery facilities that resulted in multiple adverse incidents including patient deaths. The Board has also reviewed medical journal articles and practice advisories that found a higher mortality rate associated with gluteal fat grafting than with any other aesthetic surgical procedure. The first such journal entry titled Report on Mortality from Gluteal Fat Grafting: Recommendations from the ASERF Task Force was published online in the Aesthetic Surgery Journal on March 21, 2017. It reported the result of a survey conducted of 692 surgeons who performed 198,857 gluteal fat grafting procedures throughout their careers. The surgeons reported 32 fatalities from pulmonary fat emboli and 103 nonfatal pulmonary fat emboli. They further reported that the practice of injecting fat into the deep muscle resulted in a significantly increased rate of fatal and nonfatal pulmonary fat emboli.

On January 31, 2018, the American Society of Plastic Surgeons published a Gluteal Fat Grafting Advisory from the Inter-Society Gluteal Fat Grafting Task Force. The Task Force, made up of the American Society of Plastic Surgeons (ASPS), the American Society for Aesthetic Plastic Surgery (ASAPS), the International Society of Aesthetic Plastic Surgeons (ISAPS), the International Society of Plastic & Regenerative Surgeons (ISPRES) and the International Federation for Adipose

Therapeutics and Science (IFATS), analyzed deaths from gluteal fat grafts and found that a death rate of approximately 1/3000 patients is the highest for any aesthetic surgical procedure. The Task Force also found that all the autopsies of deceased gluteal fat grafts patients revealed fat in the gluteal muscles, fat beneath the muscles, damage to the superior or inferior gluteal vein, massive fat emboli in the heart and/or lungs, and two instances of deaths or injuries with fat only in the subcutaneous space.

The January 31, 2018, advisory was followed up by another on July 11, 2018, also from American Society of Plastic Surgeons, wherein the Inter-Society Gluteal Fat Grafting Task Force reported that deaths from gluteal fat grafting procedures continue to be reported wherein the cause of death is uniformly from fatal fat embolism caused by fat entering the venous circulation associated with injury to the gluteal veins. The Task Force further found that in every gluteal fat graft patient who has died, fat was seen within the gluteal muscle at autopsy.

The findings from the aforementioned advisories and journal article were reinforced by the testimony and comments of interested parties that attended the Joint Board of Medicine and Board of Osteopathic Medicine Surgical Care/Quality Assurance Committee meeting on June 6, 2019, where the Board discussed and considered a rule setting forth a standard of care for gluteal fat grafting. Representatives from both the Florida Medical Association and the Florida Society of Plastic Surgeons supported proposed rule language setting forth a standard of care for gluteal fat grafting that prohibits the insertion of fat into a patient’s buttocks that crosses the superficial gluteal fascia. Gary M. Brownstein, M.D., F.A.C.S., a plastic surgeon, Chief Executive Officer of the American Association for Accreditation of Ambulatory Surgery Facilities, Inc. (AAAASF) and Chair of AAAASF’s board, also supported the proposed rule and clearly stated that inserting fat beneath the gluteal fascia is likely to cause harm and even death to patients.

On June 7, 2019, the full Board of Medicine found that gluteal fat grafts that included intramuscular or submuscular injections of fat presented an immediate danger to the health, safety, and welfare of Florida’s patients, and accordingly, on June 27, 2019, filed with the Department of State an emergency rule making it clear that the standard of care for performing gluteal fat grafting procedures required physicians to only inject fat into the subcutaneous space and never below the superficial gluteal fascia. The emergency rule went into effect that same day and a permanent rule containing the same prohibition went into effect on September 3, 2019.

Unfortunately, despite the promulgation of the aforementioned rule, the Board and the Department of Health have continued to see an unacceptable number of fatalities related to gluteal fat grafting procedures performed in Florida’s office surgery

facilities. Accordingly, at the request of the Board of Medicine, the Department of Health reviewed its records to ascertain the number of Florida patient deaths associated with gluteal fat graft procedures performed in office surgery facilities since 2015 and produced the following figures:

**OFFICE SURGERY GLUTEAL FAT GRAFTING RELATED DEATHS SINCE 2015**

2015	2016	2017	2018	2019	2020	2021	2022	Total
1	1	4	2	1	5	3	2	1

Of the two deaths that took place in 2019, one death occurred on May 1, 2019, before the Board’s June 17, 2019, gluteal fat graft emergency rule, and the second death occurred on August 20, 2019, after the emergency rule. Hence, there were eleven (11) verified deaths related to gluteal fat grafting during the 54-month period of time prior to the Board’s June 17, 2019, emergency rule, and ten (10) verified deaths related to gluteal fat grafting in the 36 months following the emergency rule. It also should be noted that during the 36 months following the initial emergency rule, a 53-day moratorium on elective surgical procedures was enacted by the Governor in response to the COVID pandemic.

Other sources, such as the Miami-Dade Medical Examiner’s office, report that there were eight (8) deaths related to gluteal fat graft procedures in South Florida in 2021 alone. The authors of the April 11, 2022, “Practice Advisory on Gluteal Fat Grafting,” published on the Aesthetic Society’s Aesthetic Surgery Journal, also report that there were 12 deaths related to gluteal fat grafting procedures in Florida over the 24 months preceding the publication of the advisory. While neither of the preceding claims are verified, and it is unclear whether the reported deaths arise from gluteal fat grafting procedures performed in office surgery settings, the Board believes that they nonetheless support its belief that there continues to be an unacceptable number of deaths related to gluteal fat grafting procedures performed in Florida’s office surgery facilities.

The ten (10) verified deaths over a 36-month period reported by the Department that occurred since the enactment of the Board’s initial gluteal fat grafting emergency rule justify the immediate enactment of additional measures to protect those patients who elect to undergo gluteal fat grafting procedures in Florida’s office surgery facilities. Accordingly, the Board has decided to mandate the following additional safeguards:

1. The surgeon performing the procedure must use ultrasound guidance when placing and navigating the canula and injecting fat into the subcutaneous space to ensure that the fat is placed above the fascia overlying the gluteal muscle. The surgeon must also maintain the ultrasound video recordings in the patient’s medical record including the time and the date stamp of the ultrasound video recording.
2. A surgeon must not perform more than three (3) gluteal fat grafting procedures in one calendar day.

The preceding safeguards come from the Aesthetic Society’s Practice Advisory on Gluteal Fat Grafting, published on April 11, 2022. In their recommendations, the authors of the advisory characterize ultrasound assisted fat grafting as a promising technique that assures the subcutaneous deposition of fat in the area intended by the physician. The Board concurs with the authors’ assertions that the use of ultrasound guidance to guide the canula while injecting fat during gluteal fat grafting procedures will assist the surgeon in avoiding crossing the fascia overlying the gluteal muscle and will minimize fatal intramuscular or submuscular fat injections. The use of ultrasound will also create an ultrasonic record of the procedure that will serve to memorialize its safe execution and the identity of the operating physician.

The advisory authors also recommend that a surgeon perform not more than three (3) gluteal fat grafting procedures in any given day. Given a three (3) hour gluteal fat transfer procedure and a one (1) hour turnaround time for the operating room, it is not unreasonable for a surgeon to perform no more than three (3) gluteal fat transfer procedures in an eleven-hour workday. The authors believe, and the Board concurs, that such a limitation will decrease surgeon fatigue and distractions and in turn will likely minimize surgical errors resulting in fatalities.

The Board continues to believe that an outright ban on gluteal fat grafting procedures is not necessary, but the fact that there has been at best a de minimis reduction in the number of deaths related to gluteal fat grafting during the 36 months following the Board’s June 17, 2019, emergency rule, leads the Board of Medicine to conclude that the status quo is unacceptable and that it continues to present an immediate danger to the health, safety, and welfare of Florida’s patients. Hence, the Board calls for further action to protect those Floridians who choose to undergo gluteal fat grafting procedures in office surgery facilities and therefore, via emergency rule, establishes a standard of care that calls for the use of ultrasound guidance to guide the canula while injecting fat during gluteal fat grafting procedures and a limit of three (3) gluteal fat grafting procedures per surgeon in one calendar day. The Board is of the opinion that its actions are a measured regulatory approach that protects Florida’s patients while maintaining the availability of this popular aesthetic surgical procedure.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The procedure used for the promulgation of this emergency rule is fair under the circumstances. The Board of Medicine began addressing deaths associated with gluteal fat grafting procedures at its April, 2019, board meeting when it began discussing its first gluteal fat grafting emergency order, but even before that it had been disciplining Florida physicians who performed gluteal fat transfers in office surgery facilities that resulted in multiple adverse incidents including patient deaths. It is safe to say that



“Brazilian Butt Lifts” have been on the Board’s regulatory radar for a long time.

“Brazilian Butt Lifts” have also been extensively covered by the media since as early as May, 2016. Extensive coverage has been provided by local and national media of instances where patients suffered injuries, both fatal and non-fatal, when undergoing gluteal fat grafts. It is safe to say that this issue has been on the public radar for some time as well of that of the medical profession.

Persons and entities interested in this issue were aware of the Board’s intention to readdress the standard of care for gluteal fat grafts at the meeting of the Board’s Surgical Care/Quality Assurance Committee meeting of May 26, 2022. The meeting was properly noticed on May 3, 2022, pursuant to Section 120.525(1), Florida Statutes. Tab 3 on the agenda containing three (3) medical review/journal articles on the safety of gluteal fat transfer procedures was published on the agenda on May 18, 2022, as was Tab 4 that was titled “Possible OSR Rule Amendments.” The matter first appeared on the full Board’s agenda on May 26, 2022.

The public was put on notice through board action and through the extensive media coverage of the issue. The public and interested parties were given opportunity to participate in the rulemaking process and did so at the properly noticed Surgical Care/Quality Assurance Committee meeting and the Board meeting a week later. Legal counsel representing the Florida Society of Plastic Surgeons, a medical society made up of approximately 300 board certified physicians, attended and participated in the both the committee and the Board meeting as did legal counsel for Surgeons for Safety, an organization of Florida licensed osteopathic and allopathic board-certified and board-eligible plastic surgeons who perform gluteal fat grafting procedures in their medical practices. Legal counsel for the Florida Medical Association, a medical society with over 25,000 allopathic and osteopathic physician members, also attended both the Committee and the Board meetings. Given such, it is clear that the procedure employed by the Board to promulgate this emergency rule was fully transparent and fair under the circumstances.

SUMMARY: The proposed emergency rule amendment further clarifies the standard of care for gluteal fat grafting.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Paul Vazquez, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B8ER22-3 (64B8-9.009) Standard of Care for Office Surgery.

Nothing in this rule relieves the surgeon of the responsibility for making the medical determination that the office is an appropriate forum for the particular procedure(s) to be performed on the particular patient.

- (1) No change.
- (2) General Requirements for Office Surgery.
- (a) through (e) No change.

(f) Standard of Care for Gluteal Fat Grafting. When performing gluteal fat grafting procedures, the surgeon must comply with the following standards:

1. Fat may only be injected into the subcutaneous space and must never cross the fascia overlying the gluteal muscle fascia. Intramuscular or submuscular fat injections are prohibited.

2. The surgeon performing the procedure must use ultrasound guidance when placing and navigating the canula and injecting fat into the subcutaneous space to ensure that the fat is placed above the fascia overlying the gluteal muscle. The surgeon must also maintain the ultrasound video recordings in the patient’s medical record including the time and the date stamp of the ultrasound video recording.

3. A surgeon must not perform more than three (3) gluteal fat grafting procedures in one calendar day.

- (g) through (p) No change.
- (3) through (6) No change.

Rulemaking Authority 458.309(1), 458.328(2), 458.331(1)(v) FS. Law Implemented 458.328, 458.331(1)(v), 458.351 FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07, 9-3-07, 3-25-10, 8-6-12, 11-22-12, 1-9-13, 3-3-13, 7-22-14, 4-6-15, 9-4-16, 5-22-17, 6-23-17, 9-4-17, 5-7-18, 7-2-18, 9-3-19, 3-2-20, 3-10-22.

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: June 14, 2022

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15ER22-4      RULE TITLE: Standard of Care for Office Surgery  
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Osteopathic Medicine (hereinafter the “Board”) has statutory authority to set standards of practice and care for various practice settings. Pursuant to this authority, the Board has promulgated rules setting forth standards of practice and care for office surgery settings where cosmetic surgeries are commonly performed.

During recent years gluteal fat grafting, commonly referred to in marketing literature and the media as the “Brazilian Butt

Lift,” has become a popular cosmetic procedure in Florida and around the world. It is a procedure, commonly performed in office surgery facilities, where a surgeon removes fat from an unwanted area such as the abdomen or thighs and inserts the fat into the patient’s buttocks to enlarge and recontour the buttocks. Unfortunately, this procedure has been connected to numerous patient deaths.

This issue first came to the Board of Medicine’s attention through multiple disciplinary action taken against physicians who performed gluteal fat transfers in office surgery facilities that resulted in multiple adverse incidents including patient deaths. The Board also has reviewed medical journal articles and practice advisories that found a higher mortality rate associated with gluteal fat grafting than with any other aesthetic surgical procedure. The first such journal entry titled Report on Mortality from Gluteal Fat Grafting: Recommendations from the ASERF Task Force was published online in the Aesthetic Surgery Journal on March 21, 2017. It reported the result of a survey conducted of 692 surgeons who performed 198,857 gluteal fat grafting procedures throughout their careers. The surgeons reported 32 fatalities from pulmonary fat emboli and 103 nonfatal pulmonary fat emboli. They further reported that the practice of injecting fat into the deep muscle resulted in a significantly increased rate of fatal and nonfatal pulmonary fat emboli.

On January 31, 2018, the American Society of Plastic Surgeons published a Gluteal Fat Grafting Advisory from the Inter-Society Gluteal Fat Grafting Task Force. The Task Force, made up of the American Society of Plastic Surgeons (ASPS), the American Society for Aesthetic Plastic Surgery (ASAPS), the International Society of Aesthetic Plastic Surgeons (ISAPS), the International Society of Plastic & Regenerative Surgeons (ISPRES) and the International Federation for Adipose Therapeutics and Science (IFATS), analyzed deaths from gluteal fat grafts and found that a death rate of approximately 1/3,000 patients is the highest for any aesthetic surgical procedure. The Task Force also found that all the autopsies of deceased gluteal fat grafts patients revealed fat in the gluteal muscles, fat beneath the muscles, damage to the superior or inferior gluteal vein, massive fat emboli in the heart and/or lungs, and two instances of deaths or injuries with fat only in the subcutaneous space.

The January 31, 2018, advisory was followed up by another on July 11, 2018, also from American Society of Plastic Surgeons, wherein the Inter-Society Gluteal Fat Grafting Task Force reported that deaths from gluteal fat grafting procedures continue to be reported wherein the cause of death is uniformly from fatal fat embolism caused by fat entering the venous circulation associated with injury to the gluteal veins. The Task Force further found that in every gluteal fat graft patient who has died, fat was seen within the gluteal muscle at autopsy.

The findings from the aforementioned advisories and journal article were reinforced by the testimony and comments of interested parties that attended the Joint Board of Medicine and Board of Osteopathic Medicine Surgical Care/Quality Assurance Committee (Joint Committee) meeting on June 6, 2019, where the Board discussed and considered a rule setting forth a standard of care for gluteal fat grafting. Representatives from both the Florida Medical Association and the Florida Society of Plastic Surgeons supported proposed rule language setting forth a standard of care for gluteal fat grafting that prohibits the insertion of fat into a patient’s buttocks that crosses the superficial gluteal fascia. Gary M. Brownstein, M.D., F.A.C.S., a plastic surgeon, Chief Executive Officer of the American Association for Accreditation of Ambulatory Surgery Facilities, Inc. (AAAASF) and Chair of AAAASF’s board, also supported the proposed rule and clearly stated that inserting fat beneath the gluteal fascia is likely to cause harm and even death to patients.

On June 26, 2019, the Board of Osteopathic Medicine found that gluteal fat grafts that included intramuscular or submuscular injections of fat presented an immediate danger to the health, safety, and welfare of Florida’s patients, and accordingly, on June 27, 2019, filed with the Department of State an emergency rule making it clear that the standard of care for performing gluteal fat grafting procedures required physicians to only inject fat into the subcutaneous space and never below the superficial gluteal fascia. The emergency rule went into effect that same day and a permanent rule containing the same prohibition went into effect on March 24, 2020.

Unfortunately, despite the promulgation of the aforementioned rule, the Board and the Department of Health have continued to see an unacceptable number of fatalities related to gluteal fat grafting procedures performed in Florida’s office surgery facilities. Accordingly, at the request of the Board of Medicine, the Department of Health reviewed its records to ascertain the number of Florida patient deaths associated with gluteal fat graft procedures performed in office surgery facilities since 2015 and produced the following figures:

**OFFICE SURGERY GLUTEAL FAT GRAFTING RELATED DEATHS SINCE 2015**

2015	2016	2017	2018	2019	2020	2021	2022	Total
1	1	4	4	2	1	5	3	21

Of the two deaths that took place in 2019, one death occurred on May 1, 2019, before the Board of Osteopathic Medicine’s June 27, 2019, gluteal fat graft emergency rule, and the second death occurred on August 20, 2019, after the emergency rule. Hence, there were eleven (11) verified deaths related to gluteal fat grafting during the 54-month period of time prior to the Board’s June 27, 2019, emergency rule, and ten (10) verified deaths related to gluteal fat grafting in the 36 months following the emergency rule. It also should be noted that during the 36

months following the initial emergency rule, a 53-day moratorium on elective surgical procedures was enacted by the Governor in response to the COVID pandemic.

Other sources, such as the Miami-Dade Medical Examiner's office, report that there were eight (8) deaths related to gluteal fat graft procedures in South Florida in 2021 alone. The authors of the April 11, 2022, "Practice Advisory on Gluteal Fat Grafting," published on the Aesthetic Society's Aesthetic Surgery Journal, also report that there were 12 deaths related to gluteal fat grafting procedures in Florida over the 24 months preceding the publication of the advisory. While neither of the preceding claims are verified, and it is unclear whether the reported deaths arise from gluteal fat grafting procedures performed in office surgery settings, the Board believes that they nonetheless support its belief that there continues to be an unacceptable number of deaths related to gluteal fat grafting procedures performed in Florida's office surgery facilities.

The ten (10) verified deaths over a 36-month period reported by the Department that occurred since the enactment of the Board's initial gluteal fat grafting emergency rule justify the immediate enactment of additional measures to protect those patients who elect to undergo gluteal fat grafting procedures in Florida's office surgery facilities. Accordingly, the Board has decided to mandate the following additional safeguards:

1. The surgeon performing the procedure must use ultrasound guidance when placing and navigating the canula and injecting fat into the subcutaneous space to ensure that the fat is placed above the fascia overlying the gluteal muscle. The surgeon must also maintain the ultrasound video recordings in the patient's medical record including the time and the date stamp of the ultrasound video recording.

2. A surgeon must not perform more than three (3) gluteal fat grafting procedures in one calendar day.

The preceding safeguards come from the Aesthetic Society's Practice Advisory on Gluteal Fat Grafting, published on April 11, 2022. In their recommendations, the authors of the advisory characterize ultrasound assisted fat grafting as a promising technique that assures the subcutaneous deposition of fat in the area intended by the physician. The Board concurs with the authors' assertions that the use of ultrasound guidance to guide the canula while injecting fat during gluteal fat grafting procedures will assist the surgeon in avoiding crossing the fascia overlying the gluteal muscle and will minimize fatal intramuscular or submuscular fat injections. The use of ultrasound will also create an ultrasonic record of the procedure that will serve to memorialize its safe execution and the identity of the operating physician.

The advisory authors also recommend that a surgeon perform not more than three (3) gluteal fat grafting procedures in any given day. Given a three (3) hour gluteal fat transfer procedure and a one (1) hour turnaround time for the operating room, it is

not unreasonable for a surgeon to perform no more than three (3) gluteal fat transfer procedures in an eleven-hour workday. The authors believe, and the Board concurs, that such a limitation will decrease surgeon fatigue and distractions and in turn will likely minimize surgical errors resulting in fatalities.

The Board continues to believe that an outright ban on gluteal fat grafting procedures is not necessary, but the fact that there has been at best a de minimis reduction in the number of deaths related to gluteal fat grafting during the 36 months following the Board's June 27, 2019, emergency rule, leads the Board of Osteopathic Medicine to conclude that the status quo is unacceptable and that it continues to present an immediate danger to the health, safety and welfare of Florida's patients. Hence, the Board calls for further action to protect those Floridians who choose to undergo gluteal fat grafting procedures in office surgery facilities and therefore, via emergency rule, establishes a standard of care that calls for the use of ultrasound guidance to guide the canula while injecting fat during gluteal fat grafting procedures and a limit of three (3) gluteal fat grafting procedures per surgeon in one calendar day. The Board is of the opinion that its actions are a measured regulatory approach that protects Florida's patients while maintaining the availability of this popular aesthetic surgical procedure.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The procedure used for the promulgation of this emergency rule is fair under the circumstances. The Board of Medicine began addressing deaths associated with gluteal fat grafting procedures at its April, 2019, board meeting when it began discussing its first gluteal fat grafting emergency order, but even before that it had been disciplining Florida physicians who performed gluteal fat transfers in office surgery facilities that resulted in multiple adverse incidents including patient deaths. The Joint Board of Medicine and Board of Osteopathic Medicine Surgical Care/Quality Assurance Committee (Joint Committee) considered draft rule language at its June, 2019, meeting. It is safe to say that "Brazilian Butt Lifts" have been on the Board's regulatory radar for a long time.

"Brazilian Butt Lifts" have also been extensively covered by the media since as early as May, 2016. Extensive coverage has been provided by local and national media of instances where patients suffered injuries, both fatal and non-fatal, when undergoing gluteal fat grafts. It is safe to say that this issue has been on the public radar for some time as well of that of the medical profession.

Persons and entities interested in this issue were aware of the Board's intention to readdress the standard of care for gluteal fat grafts at the meeting of the Joint Committee meeting of May 26, 2022. The meeting was properly noticed on May 3, 2022, pursuant to Section 120.525(1), Florida Statutes. Tab 3 on the

agenda containing three (3) medical review/journal articles on the safety of gluteal fat transfer procedures was published on the agenda on May 18, 2022, as was Tab 4 that was titled "Possible OSR Rule Amendments." The matter first appeared on the Board's agenda on June 2, 2022.

The public was put on notice through board action and through the extensive media coverage of the issue. The public and interested parties were given opportunity to participate in the rule making process and did so at the properly noticed Joint Committee meeting, the Board of Medicine June 3, 2022 meeting, and the Board of Osteopathic Medicine meeting on June 10, 2022. Legal counsel representing the Florida Society of Plastic Surgeons, a medical society made up of approximately 300 board certified physicians, attended and participated in the Joint Committee meeting, the Board of Medicine meeting held on June 3, 2022, and the Board of Osteopathic meeting on June 10, 2022, as did legal counsel for Surgeons for Safety, an organization of Florida licensed osteopathic and allopathic board-certified and board-eligible plastic surgeons who perform gluteal fat grafting procedures in their medical practices. Legal counsel for the Florida Medical Association, a medical society with over 25,000 allopathic and osteopathic physician members, also attended the Committee, the Board of Medicine meeting, and the Board of Osteopathic Medicine meeting. Legal counsel for the Florida Osteopathic Medicine Association, which is a statewide association for osteopathic physicians, also attended the Board's meeting. The transcript from the June 3, 2022 Board of Medicine meeting also was included in the agenda material for consideration by the Board of Osteopathic Medicine. Given such, it is clear that the procedure employed by the Board to promulgate this emergency rule was fully transparent and fair under the circumstances.

SUMMARY: The proposed emergency rule amendment further clarifies the standard of care for gluteal fat grafting.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: : Allen Hall, Interim Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256, or by email at Allen.Hall@fhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B15ER22-4 (64B15-14.007) Standard of Care for Office Surgery.

Nothing in this rule relieves the surgeon of the responsibility for making the medical determination that the office is an appropriate forum for the particular procedure(s) to be performed on the particular patient.

- (1) No change.
- (2) General Requirements for Office Surgery.

(a) through (e) No change.

(f) Standard of Care for Gluteal Fat Grafting. When performing gluteal fat grafting procedures, the surgeon must comply with the following standards:

1. Ffat may only be injected into the subcutaneous space and must never cross the fascia overlying the gluteal muscle fascia. Intramuscular or submuscular fat injections are prohibited.

2. The surgeon performing the procedure must use ultrasound guidance when placing and navigating the canula and injecting fat into the subcutaneous space to ensure that the fat is placed above the fascia overlying the gluteal muscle. The surgeon must also maintain the ultrasound video recordings in the patient's medical record including the time and the date stamp of the ultrasound video recording.

3. A surgeon must not perform more than three (3) gluteal fat grafting procedures in one calendar day.

(g) through (n) No change.

(3) through (6) No change.

Rulemaking Authority 459.005, 459.0138(2), 459.015(1)(z), 459.026 FS. Law Implemented 459.0138, 459.015(1)(g), (x), (z), (aa), 459.026 FS. History--New 11-29-01, Amended 2-23-03, 11-2-05, 6-4-09, 8-30-10, 3-20-13, 10-3-13, 12-11-14, 5-24-15, 11-10-15, 5-31-16, 10-4-16, 9-10-17, 5-17-18, 9-11-19, 3-24-20, 5-19-22.

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: June 14, 2022

## 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-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on June 15, 2022, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Berthe-Tedesco Inc. located in Hialeah. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to

dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

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

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

## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### FLORIDA COMMISSION ON OFFENDER REVIEW

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

**DATES AND TIMES:** Wednesday, July 6, 2022, 10:00 a.m.; Wednesday, July 27, 2022, 10:00 a.m.

**PLACE:** There will be no in person Commission meeting. The meeting will be held via conference call. To participate in the meeting, call United States (Toll Free): 1 877 309 2073 or United States: +1 (571) 317-3129 and dial access code 337-350-165. For questions and correspondence from inmate supporters, please email [inmatessupporter@fcor.state.fl.us](mailto:inmatessupporter@fcor.state.fl.us). For questions and correspondence regarding victims' rights, please email [victimquestions@fcor.state.fl.us](mailto:victimquestions@fcor.state.fl.us).

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled meeting for all Conditional Medical Release cases and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850) 488-1293.

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: Florida Commission on Offender Review at [ada@fcor.state.fl.us](mailto:ada@fcor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

#### EXECUTIVE OFFICE OF THE GOVERNOR

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

**DATE AND TIME:** Thursday, June 16, 2022, 9:00 a.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](mailto: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](mailto: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](mailto:aly@volunteerflorida.org), (850)414-7400.

#### EXECUTIVE OFFICE OF THE GOVERNOR

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration

**DATE AND TIME:** June 22, 2022, 11:00 a.m.

**PLACE:** The Governor, Chief Financial Officer and Attorney General will join via telephone. The Cabinet Meeting Room (Lower Level, The Capitol, Tallahassee, Florida) will be open for public participation.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

#### REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

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

**DATE AND TIME:** June 23, 2022, 6:00 p.m.

PLACE: Virtual Meeting via Communications Media Technology

The meeting will be conducted via communications media technology in the following format:

DIAL IN NUMBER: Toll free 1.888.585.9008

CONFERENCE CODE: 568 124 316

Communications media technology facilities will be available at 2009 NW 67th Place, Gainesville, Florida 32653-1603 for persons interested in accessing the virtual meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: 352.955.2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

DATE AND TIME: June 23, 2022, 6:00 p.m.

PLACE: Virtual Meeting via Communications Media Technology

The meeting will be conducted via communications media technology in the following format:

DIAL IN NUMBER: Toll free 1.888.585.9008

CONFERENCE CODE: 381 777 570

Communications media technology facilities will be available at 2009 NW 67th Place, Gainesville, Florida 32653-1603 for persons interested in accessing the virtual meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

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

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

agency at least 2 business days before the workshop/meeting by contacting: 352.955.2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**REGIONAL PLANNING COUNCILS**

East Central Florida Regional Planning Council

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

DATE AND TIME: Wednesday, July 20, 2022, 10:30 a.m. – 12:30 p.m.

PLACE: 455 N. Garland Avenue, 2nd Floor, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: Ken Storey at (407)245-0300, ext. 300 or KStorey@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two (2) 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).

For more information, you may contact: Ken Storey at (407)245-0300, ext. 300 or KStorey@ecfrpc.org

**REGIONAL PLANNING COUNCILS**

East Central Florida Regional Planning Council

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

DATE AND TIME: Wednesday, July 20, 2022, 9:30 a.m. – 10:30 a.m.

PLACE: 455 N. Garland Avenue, 4th Floor John Land Conference Room, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the East Central Florida Regional Planning Executive Committee.

A copy of the agenda may be obtained by contacting: Ken Storey at (407)245-0300, ext. 300 or KStorey@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two (2) 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).

For more information, you may contact: Ken Storey at (407)245-0300, ext. 300 or KStorey@ecfrpc.org.

#### REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

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

DATE AND TIME: Wednesday, July 20, 2022, 3:00 p.m.

PLACE: 455 N. Garland Avenue, 2nd Floor, Orlando, FL 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Leadership Working Group Meeting re: How Did We Grow? Report and recommendations.

A copy of the agenda may be obtained by contacting: Tara McCue at (407)245-0300, ext. 327 or tara@ecfrpc.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two (2) 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).

For more information, you may contact: Tara McCue at (407)245-0300, ext. 327 or tara@ecfrpc.org

#### METROPOLITAN PLANNING ORGANIZATIONS

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) announces a public meeting to which all persons are invited.

DATE AND TIME: July 6, 2022, 9:00 a.m. until conclusion of business.

PLACE: The Boca Raton Hotel, 501 East Camino Real, Boca Raton, FL 33432.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** MPOAC Policy and Technical Committee Meeting.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850) 414-4037 or lisa.o.stone@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Lisa O. Stone at (850) 414-4037 or lisa.o.stone@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lisa O. Stone at (850) 414-4037 or lisa.o.stone@dot.state.fl.us.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Special Inspector Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 29, 2022, 10:00 a.m. or soon thereafter

PLACE: via zoom and/or telephone conference

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** general business of the committee.

<https://us02web.zoom.us/j/89221117131>

Meeting ID: 892 2111 7131

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 892 2111 7131

Passcode: 84186374

A copy of the agenda may be obtained by contacting: Rebecca Sammons

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org

#### DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

DATE AND TIME: CHANGE OF DATE: August 26, 2022, 8:00 a.m. E.T.

PLACE: Embassy Suites by Hilton Orlando Lake Buena Vista South, 4955 Kyns Heath Road, Kissimmee, FL 34746

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting.

A copy of the agenda may be obtained by contacting: The Board of Physical Therapy, 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://floridasphysicaltherapy.gov/>

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

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#### DEPARTMENT OF HEALTH

##### Board of Nursing

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

DATE AND TIME: June 27, 2022, 1:30 p.m. ET

PLACE: Toll Free Number – 1-888-585-9008, 275-112-502

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

A copy of the agenda may be obtained by contacting: <https://floridasnursing.gov/meeting-information/upcoming-meetings/>

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)245-4125. 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.

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#### BOARD OF GOVERNORS

The Florida Board of Governors, State University System announces a public meeting to which all persons are invited.

DATES AND TIMES: June 29 and 30, 2022, 9:00 a.m.

PLACE: University of Central Florida, Fairwinds Alumni Center, 12676 Gemini Blvd., North, Orlando, FL 32816 and a link will be available online at [www.flbog.edu](http://www.flbog.edu).

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors and its committees will meet to conduct the regular business of the Board.

A copy of the agenda may be obtained by contacting: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400, and will be available at [www.flbog.edu](http://www.flbog.edu).

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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400, (850) 245-0466. 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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400.

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#### ATKINS - LAKE CITY

The Department of Transportation District 2 announces a public meeting to which all persons are invited.

DATE AND TIME: June 23, 2022, 4:00 p.m. – 6:00 p.m.

PLACE: Webb Wesconnett Regional Public Library, 6887 103rd Street, Jacksonville, Florida 32210; online at [nflroads.com/vph](http://nflroads.com/vph); by phone at (914) 614-3221, access code 834-495-747.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation invites you to a hybrid public hearing to discuss Safety Project 445543-1, which includes installation of raised concrete directional medians on 103rd Street (State Road 134) at Shindler Drive, Kinkaid Road and California Avenue to prevent through-traffic and left turns onto 103rd Street. The project also includes closing and altering medians and extending turn lanes east and west of Kinkaid Road and California Avenue to facilitate U-Turns. The hearing will begin with an open house from 4:00 p.m. to 6:00 p.m., followed by a public comment period at 6:00 p.m. Public participation is sought without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Wayne Tooker, Jr., FDOT Project Manager, Florida Department of Transportation District 2, 1109 S. Marion Street Lake City, FL 32025, (386) 961-7584 or [wayne.tookerjr@dot.state.fl.us](mailto:wayne.tookerjr@dot.state.fl.us).



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

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

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

DEPARTMENT OF EDUCATION  
University of North Florida  
RFQ 22-27 CONSTRUCTION MANAGEMENT SERVICES  
– COGGIN COLLEGE OF BUSINESS PHASE II

Notice of Bid/Request for Proposal  
DEPARTMENT OF EDUCATION  
University of North Florida  
RFQ 22-27 Construction Management Services – Coggin  
College of Business Phase II

NOTICE TO PROFESSIONAL CONSULTANTS  
REQUEST FOR QUALIFICATIONS  
RFQ 22-27 CONSTRUCTION MANAGEMENT SERVICES  
– COGGIN COLLEGE OF BUSINESS PHASE II

The University of North Florida Board of Trustees, a public body corporate, announces that a Certified General Contractor is required to perform construction management services for the Coggin College of Business Phase II project located at the University of North Florida, Building #10, 1 UNF Drive, Jacksonville, FL 32224.

Project information  
The Construction Manager will work with UNF and its Design Team, to provide pre-construction services, a GMP, and construction services for the remodel of Bldg. 10 and the addition connecting to Bldg. 42.

The proposed schedule for this project is:  
Advertisement June 16, 2022  
Pre-Proposal Meeting June 28, 2022, 10:00 a.m.  
Site Visit June 29, 2022, 10:00 a.m.  
Deadline for Questions July 5, 2022, 12:00 p.m.  
Response to Questions July 8, 2022  
Submittals Due July 19, 2022, 2:00 p.m.  
Interviews (if required) August 25, 2022

Responses will only be accepted electronically through the UNF Bid Portal. Responses delivered in-person, by mail, by fax, or by email will be deemed non-responsive.

Solicitation documents, forms, descriptive project information, and selection criteria may be obtained online at the UNF Procurement Services website at <https://bids.sciquest.com/apps/Router/PublicEvent?CustomerOrg=UNF>.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP RFP 2022002 Land Acquisition Real Estate Title and  
Closing Services

The Florida Department of Environmental Protection is requesting Responses for to contract for Land Acquisition Real

Estate Title and Closing Services. The Department will post notice of any changes or additional meeting(s) on the Vendor Information Portal (VIP) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VIP at: <https://vendor.myfloridamarketplace.com/>

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, June 9, 2022 and 3:00 p.m., Wednesday, June 15, 2022.

Rule No.	File Date	Effective Date
5K-10.005	6/9/2022	6/29/2022
12AER22-9	6/13/2022	6/13/2022
61-35.029	6/14/2022	7/4/2022
61G7-5.0031	6/14/2022	7/4/2022
61G7-5.0032	6/14/2022	7/4/2022
61G7-5.0033	6/14/2022	7/4/2022
61G7-6.001	6/13/2022	7/3/2022
61J2-17.013	6/10/2022	6/30/2022
61J2-17.014	6/10/2022	6/30/2022
61J2-17.016	6/10/2022	6/30/2022
62-701.804	6/9/2022	6/9/2022
64B8ER22-3	6/14/2022	6/14/2022
64B15ER22-4	6/14/2022	6/14/2022
68B-19.002	6/15/2022	7/1/2022
68B-19.003	6/15/2022	7/1/2022
68B-19.004	6/15/2022	7/1/2022
69O-137.001	6/13/2022	7/3/2022
69O-138.001	6/13/2022	7/3/2022
69P-1.001	6/13/2022	7/3/2022
69P-1.002	6/13/2022	7/3/2022

69P-1.011	6/13/2022	7/3/2022
69P-1.012	6/13/2022	7/3/2022
69P-1.013	6/13/2022	7/3/2022
69P-1.014	6/13/2022	7/3/2022
69P-1.015	6/13/2022	7/3/2022
69P-1.016	6/13/2022	7/3/2022
69P-1.017	6/13/2022	7/3/2022
69P-1.018	6/13/2022	7/3/2022
69P-1.019	6/13/2022	7/3/2022

**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
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	12/8/2021	**/**/****
60P2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
62-6.001	5/10/2022	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****
69L-7.020	10/22/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

Establishment of Miranda Ann Panama Beach LLC, dba Icon Golf Cars, line-make ICON

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Icon EV, LLC, intends to allow the establishment of Miranda Ann Panama Beach LLC, dba Icon Golf Cars, as a dealership for the sale of low-speed vehicles manufactured by Icon EV, LLC (line-make ICON) at 13800 Panama City Beach Parkway Suite 114, Panama City Beach, (Bay County), Florida 32407, on or after July 17, 2022.

The name and address of the dealer operator(s) and principal investor(s) of Miranda Ann Panama Beach LLC are dealer operator(s): David Cochran, 13800 Panama City Beach Parkway Suite 114, Panama City Beach, Florida 32407, principal investor(s): David Cochran, 13800 Panama City Beach Parkway Suite 114, Panama City Beach, Florida 32407. The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Sondra L. Howard, 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: Roy F. Williams, Icon EV, LLC, 203 Kelsey Lane, Suite E, Tampa, Florida 33619.

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.

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**Section XIII**  
**Index to Rules Filed During Preceding**  
**Week**

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

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