

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2-11.001 Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes an amendment that updates the rule and makes current Application for Chiropractic Physician Initial Licensure on Form DH-MQA 1147.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the Application for Licensure Examination.

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 456.013, 456.0135, 456.017(1)(a), 456.039, 456.0635, 460.406 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: Dayle DeCastro Mooney, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, or by telephone: (850)488-0595 or by electronic mail – Dayle.Mooney@myfloridalicense.com

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

PURPOSE AND EFFECT: The Board proposes a rule amendment to update and clarify the continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: The rule addresses Continuing Education.

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

LAW IMPLEMENTED: 456.013(6), (8), (9), 456.025(7), 456.036(10), 460.408, 460.4165(13)(b) 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: Dayle DeCastro Mooney, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, or by telephone: (850)488-0595 or by electronic mail – Dayle.Mooney@myfloridalicense.com

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DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2-17.004 Dry Needling

PURPOSE AND EFFECT: The Board proposes a new rule to create language requirements for dry needling and to incorporate Application for Chiropractic Dry Needling Certification on Form DH-MQA-5099.

SUBJECT AREA TO BE ADDRESSED: The new rule addresses dry needling.

RULEMAKING AUTHORITY: 460.405, 460.4085 FS.

LAW IMPLEMENTED: 460.4085 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: Dayle DeCastro Mooney, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, or by telephone: (850)488-0595 or by electronic mail – Dayle.Mooney@myfloridalicense.com

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Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: RULE TITLE:

5K-4.034 Hemp Extract for Human Consumption

PURPOSE AND EFFECT: The purpose of this rulemaking is to implement statutory changes passed during the 2023 Legislative Session.

SUMMARY: The proposed rule updates definitions, penalties for violations and the requirements regarding hemp and hemp extract for human consumption, including the operation of a Hemp Food Establishment, contaminants and limits, packaging, labeling, advertising, and the use of self-service machines.

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 proposed changes to Rule 5K-4.034, F.A.C., clarify existing fine authority for certain violations and clarify existing statutory requirements, including prohibitions on product labeling, packaging, and advertising that is attractive to children. Fines are only imposed in the event of a violation, so there is no additional cost to regulated entities. Furthermore, the prohibitions on labeling and packaging that is attractive to children and on advertising that targets or is attractive to children are already in statute, so there is no additional cost to businesses as a result of this rule.

Therefore, no adverse impact or regulatory cost is associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 500.09, 500.12, 570.07(23), 581.217(12), F.S.

LAW IMPLEMENTED: 500.03, 500.04, 500.09, 500.10, 500.11, 500.12, 500.121, 500.13, 500.172, 581.217, F.S.

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: Brenda Noble, Brenda.Noble@fdacs.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.034 Hemp Extract for Human Consumption.

(1) Products.

(a) Section 500.03, F.S., defines “food” to include hemp extract as defined in Section 581.217, F.S. Section 581.217(7)(b), F.S., provides that Hemp Extract distributed or sold in violation of Section 581.217, F.S., shall be considered adulterated or misbranded pursuant to Chapter 500, F.S. As such, products consisting of or containing Hemp or Hemp Extract intended for Human Consumption are subject to the requirements of Chapter 500, F.S., Section 581.217, F.S., and Rules 5K-4.002, 5K-4.004, 5K-4.020, 5K-4.021, and 5K-4.035, F.A.C., in addition to the requirements of this rule.

(b) Hemp or Hemp Extract intended for Human Consumption that is not clearly labeled as intended for Inhalation or Ingestion must meet all of the requirements for products intended for both Inhalation and Ingestion as provided in this rule. If in the event that there are different requirements, the stricter standard shall apply.

(2) Definitions. The definitions provided in Sections 500.03 and 581.217, F.S., and the following shall apply to this rule:

(a) “Approved Source” for the purposes of this rule means an establishment processing or manufacturing products consisting of or containing Hemp or Hemp Extract intended for Human Consumption Ingestion that meets the requirements of Section 581.217(7)(a)1.d., F.S. local, state, or federal regulatory food safety or health standards from the jurisdiction of origin.

(b) “Attractive to children” is as defined in Section 581.217(3)(a), F.S.

(b) renumbered (c) No change.

(d) “Color Additive” is as defined in s. 500.03(1)(g), F.S. Food additives which contribute their own natural color when mixed with foods or other food ingredients are not regarded as color additives, except when used for the purpose of adding color to a food product.

(e) “Common Household Measure” is defined in 21 C.F.R. 101.9(b)(5) which is incorporated by reference in Rule 5K-4.002, F.A.C.

(f)(e) “Expiration Date” means the month and year as determined by the processor, manufacturer, packer, or

distributor ~~based on the basis of~~ tests or other information showing that the product, until that date, under the conditions of handling, storage, preparation, and use per label directions, will when consumed, contain not less than the quantity of each ingredient as set forth on its label.

~~(g)(d)~~ “Hemp” is defined in Section 581.217(3)(e), F.S. ~~581.217(3)(d)~~, F.S.

~~(h)(e)~~ “Hemp Extract” is defined in Section 581.217(3)(f), F.S. ~~581.217(3)(e)~~, F.S.

~~(i)(f)~~ “Hemp Food Establishment” means an establishment as defined in Section 500.03(1)(p), F.S., extracting, manufacturing, processing, packing, holding, preparing, or selling Hemp or Hemp Extract intended for Human Consumption at wholesale or retail.

(g) renumbered (j) No change.

~~(k)(h)~~ “Ingestion” means the process of consuming Hemp or Hemp Extract through the mouth, whether by swallowing into the gastrointestinal system or through tissue absorption.

~~(l)(i)~~ “Inhalation” means the process of consuming Hemp or Hemp Extract through the mouth or nasal passages into the respiratory system.

~~(m)(j)~~ “Manufacturing” or “Processing” for the purposes of this rule means any post-harvest preparation preparing and/or packaging products consisting of Hemp or or containing Hemp Extract intended for Human Consumption.

~~(n)(k)~~ “Processor” or “Extractor” means ~~the establishment that removes the Hemp Extract oil from the Hemp plant.~~

~~(o)(l)~~ “Self-service merchandising” means ~~a an open~~ display of unpackaged Hemp or Hemp Extract products to which the public has access without the intervention of the vendor or a store employee.

~~(p)(m)~~ “Serving” or “Serving Size” means the amount of product intended to be consumed in a single serving as declared on the label expressed in a Common Household Measure. A serving size shall not be a fraction of a piece.

~~(q)(n)~~ “Synthetic Cannabinoid” means any cannabinoid identified in section 893.03(1)(a)190., F.S.

~~(r)(o)~~ “Total delta-9 tetrahydrocannabinol concentration” means [$\text{delta-9 tetrahydrocannabinol}$] + ($0.877 \times [\text{delta-9 tetrahydrocannabinolic acid}]$).

~~(s)(p)~~ “Vending machines” for the purpose of this rule are defined as any self-service device which, upon completion of payment, dispense Hemp or Hemp Extract products as defined in Section 581.217(3), F.S., without the necessity of replenishing the device between each operation.

(3) Permits.

(a) Each establishment distributing products consisting of or containing Hemp or Hemp Extract intended for Human Consumption must be permitted as a Hemp Food Establishments pursuant to Section 500.12, F.S., and Rule 5K-4.020, F.A.C.

(b) No change.

(4) Requirements. In addition to the requirements of Chapter 500 and Section 581.217, F.S. the following requirements apply to Hemp and Hemp Extract intended for Human Consumption:

(a) Hemp or Hemp Extract intended for Ingestion must be processed or manufactured by an Approved Source. The Hemp Food Establishment shall provide a valid food license/permit and the most recent food safety or health inspection report from the Approved Source to the department upon request.

(b) Hemp or Hemp Extract intended for Inhalation must be processed or manufactured by a source permitted to process manufacture Hemp or Hemp Extract intended for Inhalation. The Hemp Food Establishment shall provide a valid license/permit and the most recent inspection report from the permitting source to the department upon request.

(c) Hemp and Hemp Extract intended for Human Consumption may not be manufactured, processed, packed, held, prepared, or sold under the Cottage Food Operations Law in Section 500.80, F.S.

~~(d) If a Food Extract intended for Ingestion is considered a Potentially Hazardous Food (PHF) or a Food requiring Time and Temperature Control for Safety (TCS Food) as defined in Rule 5K 4.0010, F.A.C., it must be stored in accordance with Rule 5K 4.002, F.A.C.~~

~~(e) Hemp Extract intended Human Consumption must be packaged in containers minimizing the exposure to light to prevent degradation of the Cannabinoids.~~

(f) renumbered (d) No change.

~~(e)(g)~~ Hemp or Hemp Extract intended for Human Consumption shall not contain a Total delta-9 tetrahydrocannabinol concentration of more than 0.3%.

(h) renumbered (f) No change.

~~(g)(h)~~ Hemp or Hemp Extract intended for Human Consumption shall not be offered for sale by means of vending machines or self-service merchandising.

~~(h) Hemp or Hemp Extract intended for Human Consumption held beyond the Expiration Date required in section 581.217(7)(a)2., F.S., shall not be further distributed or offered for sale.~~

(i) The water activity for Hemp or Hemp Extract for Human Consumption in the form of Cannabis flower or leaves shall be 0.60 (\pm 0.05).

(5) Contaminants and Limits. In addition to the requirements listed in Chapter 500, F.S., and Rule 5K-4.002, F.A.C., Hemp or Hemp Extract intended for Human Consumption shall be considered adulterated pursuant to Section 500.10(1)(a), F.S., if contaminants are detected at levels greater than the limits listed in this rule.

(a) No change.

(b) Pesticide Limits. The following list of contaminants does not constitute authorization to use or apply any of the following during Hemp cultivation or processing.

1. through 10. No change.

11. Carbaryl, 500 parts per billion for Ingestion or; ~~500 parts per billion for Inhalation.~~

12. through 64. No change.

65. Thiocloprid, 100 parts per billion for Ingestion or; ~~400 parts per billion for Inhalation.~~

66. through 67. No change.

(c) through (h) No change.

(i) Color additives prohibited for Hemp or Hemp Extract for Human Consumption:

1. FD&C Blue No. 1

2. FD&C Blue No. 2

3. FD&C Green No. 3

4. Orange B

5. Citrus Red No. 2

6. FD&C Red No. 3

7. FD&C Red No. 40 (Allura Red)

8. FD&C Yellow No. 5

9. FD&C Yellow No. 6

10. FD&C Red No. 3

11. Cochineal extract

12. Carmine

13. Mica-based pearlescent pigments

14. Quinoline Yellow (FD&C Yellow No. 10)

15. Yellow 2G

16. FD&C Green No. 1

17. FD&C Green No. 2

18. FD&C Red No. 1

19. FD&C Red No. 2, Amaranth

20. FD&C Red No. 4, Ponceau SX

21. FD&C Violet No. 1

22. Azorubine Carmoisine

23. Ponceau 4R, Ponceau Red, Cochineal Red A

24. Patent Blue V

25. Green S

26. Brilliant Black BN, Black PN

27. Brown FK

28. Brown HT, Chocolate Brown

29. Cuttlefish Black

30. Cuttle Black

31. Alkanet (Alkane)

32. Carbon Black, Vegetable Carbon

33. Charcoal-NF XI

34. Cudbear

35. Ferric Chloride

36. Ferrous Sulfate

37. Logwood, Chip & Extract

(j) The following substances are prohibited for use in Hemp or Hemp Extract for Human Consumption when used as a color additive:

1. Annatto extract

2. Dehydrated beets (beet powder)

3. Butterfly pea flower extract

4. Calcium carbonate

5. Canthaxanthin

6. Caramel

7. β -Apo-8'-carotenal

8. β -Carotene

9. Sodium copper chlorophyllin

10. Toasted partially defatted cooked cottonseed flour

11. Ferrous gluconate

12. Ferrous lactate

13. Grape color extract

14. Grape skin extract (enocianina)

15. Synthetic iron oxide

16. Fruit juice

17. Vegetable juice

18. Carrot oil

19. Paprika

20. Paprika oleoresin

21. Riboflavin

22. Saffron

23. Soy Leghemoglobin

24. Spirulina extract

25. Titanium dioxide

26. Tomato lycopene extract

27. Tomato lycopene concentrate

28. Tumeric

29. Tumeric oleoresin

(k)(~~+~~) If a testing sample is found to contain levels of any pathogen, toxicant, residual solvent, metal, color additive, controlled substance, drug, or pesticide not enumerated in this rule or by Florida law, then the Hemp or Hemp Extract for Human Consumption shall be considered adulterated.

(j) renumbered (l) No change.

(6) Product, Packaging, and Labeling. Hemp and Hemp Extract products intended for Human Consumption shall comply with the following requirements for the product, packaging, and labeling, including the certificate of analysis:

(a) Hemp or Hemp Extract intended for Human Consumption must be packaged and labeled as required by Chapter 500, F.S., and Section 581.217(7), F.S.

(b) Hemp or Hemp Extract intended for Human Consumption may only be distributed or sold in a container that is not attractive to children as provided in 581.217, F.S.

(b) through (d) renumbered (c) through (e) No change.

(f) The label for all retail products containing Hemp or Hemp Extract intended for Human Consumption must include

the serving size and servings per container expressed in Common Household Measures and the net contents expressed in both the appropriate International System of Units (SI) and United States customary units.

(g) For single serving packages and for individually wrapped single serving products within a multi-serving package, a description of the individual container or wrapped product shall be used for the serving size.

(h) If the label of any container of Hemp or Hemp Extract intended for Human Consumption is too small to accommodate all the information required by this subsection, labeling information shall be physically attached to the container.

(i) The label of a product containing Hemp or Hemp Extract intended for Human Consumption in packaged form shall specify conspicuously the name and place of business of the processor, packer, or distributor.

(j) Hemp or Hemp Extract intended for Human Consumption shall be sold and distributed in packaging compliant with ASTM International D3475-20, Standard Classification of Child Resistant Packages, hereby incorporated by reference, and meet one or more of the descriptions of child-resistant packages set out in Table 1 therein. It is a violation of copyright law to post the materials incorporated in this rule on the Internet for public viewing. Accordingly, the public may obtain a copy of ASTM International D 3475-20, Standard Classification of Child Resistant Packages, by purchasing a copy from: ASTM International, 100 Barr Harbor Drive, P.O. Box C 700, West Conshohocken, PA 19428-2959, or at www.astm.org. Copies of the incorporated materials are also available for viewing during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Food Safety offices located at 3125 Conner Blvd., Suite D, Tallahassee, Florida 32399-1650.

(k) The scannable barcode or quick response code required in Section 581.217(7)(a)2., F.S., shall be conspicuously marked and link directly to a webpage where the required certificate of analysis may be found in three or fewer steps.

(l) The scannable barcode or quick response code required in Section 581.217(7)(a)2. F.S., shall be operational for at least 90 days after the expiration date of the product.

(m) The certificate of analysis shall state the name, address, and International Organization for Standardization (ISO) certification number of the independent testing laboratory that conducted the analysis.

(n) The certificate of analysis shall state the name and address of the facility where the batch was processed, the current and valid permit number for the facility issued by a human health or food safety regulatory entity with authority over the facility, and that the facility meets the human health or food safety sanitization requirements of the regulatory entity as documented by the regulatory entity.

(o) The certificate of analysis shall state the concentration of total delta-9 tetrahydrocannabinol and of each prohibited substance, toxicant, residual solvent, metal, and pesticide listed in subsection (5) of this rule that is contained in each batch.

(p) The certificate of analysis shall state whether the pathogens listed in subsection (5)(e) are present or absent in each batch.

(7) Disposal.

(a) Laboratory samples found to contain more than a Total delta-9 tetrahydrocannabinol concentration of 0.3% shall be disposed of in accordance with 21 CFR 1317. 21 CFR 1317 (Revised April 1, 2019) is hereby incorporated by reference and available [online at http://www.flrules.org/Gateway/reference.asp?No=Ref-11452](http://www.flrules.org/Gateway/reference.asp?No=Ref-11452) and by email request to the department at FoodSafety@FDACS.gov.

(b) Hemp or Hemp Extract intended for Human Consumption containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% shall be detained pursuant to Section 500.172, F.S. Hemp or Hemp Extract intended for Human Consumption containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% which has been detained pursuant to Section 500.172, F.S., shall not be further subdivided or renumbered such that the integrity of the lot is not maintained. The establishment shall not dispose of the violative Hemp or Hemp Extract intended for Human Consumption in any manner until written permission for removal, use, or disposal is given by the department or a court of competent jurisdiction.

~~(c) Upon receipt of written permission by the department or a court of competent jurisdiction, the Hemp Extract intended for Human Consumption shall be disposed of in accordance with the Hemp Waste Disposal Manual FDACS-08115, 12/19, incorporated in paragraph 5B-57.014(6)(b), F.A.C., or in a manner approved by a court of competent jurisdiction.~~

(8) Age Limit for Hemp or Hemp Extract intended for Human Consumption Inhalation.

(a) Any retailer that sells Hemp or Hemp Extract intended for Human Consumption Inhalation shall post a clear and conspicuous sign directly adjacent to the display of the product which states the following: THE SALE OF HEMP OR HEMP EXTRACT INTENDED FOR HUMAN CONSUMPTION INHALATION TO PERSONS UNDER THE AGE OF 21 IS PROHIBITED. PROOF OF AGE IS REQUIRED FOR PURCHASE.

(b) Hemp or Hemp Extract intended for Human Consumption Inhalation may not be mailed, shipped, or otherwise delivered to a purchaser, including in-store sales, unless, before the delivery to the purchaser, the Hemp Food Establishment obtains confirmation that the purchaser is 21 years of age or older.

(c) ~~Hemp Food Establishments shall require proof of age from a purchaser of any product containing Hemp Extract intended for Inhalation before selling the product to that person. Hemp Food Establishments shall exercise due diligence in the management and supervision of their premises and in the supervision and training of their employees to prevent the underage sale of these products.~~

~~(d) Hemp Extract intended for Inhalation shall not be offered for sale by means of self-service merchandising unless proof of age has been verified before allowing access to the self-service merchandising.~~

~~(d)(e)~~ The giving or sampling of Hemp or Hemp Extract intended for Human Consumption ~~Inhalation~~ products by a Hemp Food Establishment to any person under the age of 21 is prohibited.

(9) Advertising of Hemp or Hemp Extract Intended for Human Consumption. Hemp or Hemp Extract intended for Human Consumption may not be marketed or advertised, including business names and logos, in a manner that is attractive to children or specifically targets children. Marketing and advertising for Hemp or Hemp Extract Products intended for Human Consumption shall not contain:

(a) The use of any words, initialisms, acronyms, phrases, colors or color combinations, visual patterns, logos, images, concepts, names, or slogans that duplicate, imitate, or bear a reasonable resemblance to words, initialisms, acronyms, phrases, colors or color combinations, visual patterns, logos, images, concepts, names, or slogans used in connection with commercially available branded products and services.

(b) Wording or images commonly associated with marketing or advertising that targets or is attractive to children, including any statement, design, representation, picture, or illustration portraying a person under the age of 18 years old, colors or color combinations that target children, or the use of toys, humans, animals, cartoon characters, or similar images;

(c) Wording that uses street or slang words or names for marijuana, hemp, hemp extract, or the intoxicating effects of marijuana;

(d) Statements identical or similar to the name of an unlawful product or substance, including a street or slang name for illicit drugs or drug paraphernalia; or

(e) References to unlawful activity.

(10) (9) Penalties.

(a) No change.

(b) Hemp or Hemp Extract intended for Human Consumption distributed or sold in violation of this rule shall be considered adulterated or misbranded pursuant to Chapter 500, F.S., ~~as provided in Section 581.217(7)(b), F.S.~~

(c) Hemp Extract Products intended for Human Consumption must meet the requirements of this rule. Such products not meeting the requirements of this rule ~~or without~~

~~the documentation required in paragraphs (4)(a) (b) of this rule may not be distributed or sold in this state.~~

(d) No change.

(e) The sale of Hemp or Hemp Extract intended for Human Consumption ~~Inhalation~~ to persons under the age of 21 is punishable as provided in section 581.217(7)(d), F.S., and shall result in an administrative fine of \$5,000 per occurrence.

(f) Hemp or Hemp Extract for Human Consumption distributed or sold in violation of this rule is subject to Section 500.172, F.S. and penalties as provided in Section 500.121, F.S.

Rulemaking Authority 500.09, 500.12, 570.07(23), 581.217(12) FS. Law Implemented 500.03, 500.04, 500.09, 500.10, 500.11, 500.12, 500.121, 500.13, 500.172, 581.217 FS. History—New 1-1-20, 9-27-21, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew D. Curran, Ph.D., Director, Division of Food Safety
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Wilton Simpson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 09/20/2024

STATE BOARD OF ADMINISTRATION

RULE NO.:RULE TITLE:

19-8.010Reimbursement Contract

PURPOSE AND EFFECT: The State Board of Administration of Florida, Florida Hurricane Catastrophe Fund, seeks to amend the rule listed above to implement Section 215.555, F.S.

SUMMARY: Rule 19-8.010, F.A.C., is being amended to adopt the 2025-2026 Reimbursement Contract, including Addenda.

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: Upon review of the proposed changes to this rule and the incorporated forms, the State Board of Administration of Florida has determined that the rule does not meet the requirements for ratification by the legislature. The changes to the rule do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess

of \$200,000 in the aggregate within 1 year of implementation. The changes to the rule also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 215.555(3), F.S.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (16), F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 22, 2024, 10:00 a.m. (ET) to 11:00 a.m. (ET).

PLACE: Conference Call in Number: 1(872)242-7651, Phone Conference ID: 740-402-581#.

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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Linzee Branham, Florida Hurricane Catastrophe Fund, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1335, marylinzee.branham@sbafla.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1)(a) The reimbursement contract for the 2025-2026 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-XXXXX>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2025K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. XX/24 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2025 through May 31, 2026.

(b) Appendix A, for the 2025-2026 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-XXXXX>, required by Section 215.555(5)(e), F.S., which is called Form FHCF-2025K-1 “Appendix A to Reimbursement Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. XX/24 is hereby adopted and incorporated by reference into this rule. This appendix is effective from June 1, 2025 through May 31, 2026.

~~(2)(1)(a) No change.~~

~~(b) No change.~~

~~(2)(a) The reimbursement contract for the 2023 2024 contract~~

~~year, <http://www.flrules.org/Gateway/reference.asp?No=Ref-14788>, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF 2023K-“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 10/22 is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2023 through May 31, 2024.~~

~~(b) Appendix A, for the 2023 2024 contract year, <http://www.flrules.org/Gateway/reference.asp?No=ref-14789>, required by Section 215.555(5)(e), F.S., which is called Form FHCF 2023K 1 “Appendix A to Reimbursement Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 10/22 is hereby adopted and incorporated by reference into this rule. This appendix is effective from June 1, 2023 through May 31, 2024.~~

~~(3) No change.~~

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, 12-12-10, 9-11-11, 12-19-11, 11-18-12, 12-2-13, 11-12-14, 6-2-15, 1-3-16, 11-9-16, 12-6-17, 1-29-19, 9-17-19, 11-12-19, 11-17-20, 11-10-21, 8-18-22, 10-11-22, 12-19-23, X-XX-24.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gina Wilson, FHCF Chief Operating Officer, State Board of Administration of Florida.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: July 31, 2024

Tallahassee, FL 32308; (850)521-0500 or by electronic mail,
ZRaybon@fbpe.org.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Engineers

RULE NO.:RULE TITLE:

61G15-22.001Continuing Education Requirements

PURPOSE AND EFFECT: The Board proposed an amendment to update, revise, and clarify the Advanced Building Code education course requirement.

SUMMARY: The proposed rule amendment updates the Advanced Building Code education course requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 471.008, 471.017(3), 471.0195 FS.

LAW IMPLEMENTED: 471.017(3), 471.0195 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2400 Mahan Drive,

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.001 Continuing Education Requirements.

(1) through (2) No Change.

(3) Beginning with the effective date of the Eighth Edition of the Florida Building Code (2023), all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code, as identified within Section 553.73(1)(a), F.S., shall:

(a) Complete at least a one (1) hour Advanced advanced Florida Building Code course ~~course~~ on each new Edition of the Florida Building Code, which can count towards the licensee's area(s) of practice continuing education requirements;

(b) No Change.

Rulemaking Authority 471.008, 471.017(3), 471.0195 FS. Law Implemented 471.017(3), 471.0195 FS. History—New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99, 6-13-00, 2-22-01, 9-16-01, 3-7-13, 9-29-14, 2-18-16, 8-1-18, 12-29-19, 1-30-24, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 7, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: September 9, 2024

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Engineers

RULE NOS.: RULE TITLES:

61G15-23.004 Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

61G15-23.005 Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The Board proposed amendments to update and remove rule language that is now outdated and superseded.

SUMMARY: The proposed rule amendments update and remove outdated and superseded rule language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly

regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 471.025(1), 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.025, 471.033(1)(j), 668.003, 668.006 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2400 Mahan Drive, Tallahassee, FL 32308; (850)521-0500 or by electronic mail, ZRaybon@fbpe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.004 Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

- (1) through (2) No Change.
- (3) The affixing of a digital signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.
- (a) through (f) No Change.

~~(g) Beginning on the effective date of this rule amendment, November 2, 2020, and continuing until December 31, 2020, the restriction contained in subparagraph (3)(c)3., above, and the text of required language illustrated in subparagraphs (3)(d)1. and 2., that printed copies of digitally signed and sealed~~

~~plans or documents are not considered signed and sealed is removed, and printed copies of said plans or documents are deemed validly signed and sealed for any purpose allowed by law. After December 31, 2020, the existing restriction is reinstated. Any licensee seeking to use printed copies of digitally signed and sealed plans or documents must retain an original copy of the signed and sealed plans.~~

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 471.033(1)(j), 668.003, 668.006 FS. History—New 11-3-15, Amended 9-7-17, 6-19-18, 11-2-20,_____.

61G15-23.005 Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

- (1) through (3) No Change.
- (4) The affixing of an electronic signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.
- (a) through (d) No Change.

~~(e) Beginning on the effective date of this rule amendment, November 2, 2020, and continuing until December 31, 2020, the restriction contained in subparagraph (4)(c)3., above, and the text of required language illustrated in subparagraphs (4)(d)1. and 2., that printed copies of electronically signed and sealed plans or documents are not considered signed and sealed is removed, and printed copies of said plans or documents are deemed validly signed and sealed for any purpose allowed by law. After December 31, 2020, the existing restriction is reinstated. Any licensee seeking to use printed copies of electronically signed and sealed plans or documents must retain an original copy of the signed and sealed plans.~~

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 668.006 FS. History—New 11-3-15, Amended 2-3-16, 10-26-16, 9-7-17, 6-19-18, 11-2-20,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2024

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.009

RULE TITLE: Endorsement

PURPOSE AND EFFECT: The Board proposes a new rule and application for endorsements.

SUMMARY: The proposed new rule clarifies the language and application for endorsements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.0145, 456.025, 483.805(4) FS.

LAW IMPLEMENTED: 456.0145 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: Dayle Mooney, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C-07, Tallahassee, Florida 32399-3258, (850)488-0595, or by email: Dayle.Mooney@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.009 Endorsement.

An applicant for licensure by endorsement pursuant to section 456.0145(2), F.S., shall submit as part of his or her application DH-MQA-5101 (eff. 7/2024), “Mobile Opportunity by Interstate Licensure Endorsement (MOBILE)” which is incorporated herein by reference and which may be obtained from <https://www.flrules.org/Gateway/reference.asp?No=Ref-> the Board office, or at <https://floridasclinicallabs.gov>.

Applicants for licensure shall meet and comply with all requirements in Section 456.0145(2), F.S.

Rulemaking Authority 456.0145, 456.025, 483.805(4), FS. Law Implemented 456.0145, FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2024

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NOS.: RULE TITLES:

- 65G-2.001 Definitions
- 65G-2.002 License Application and Renewal Procedures
- 65G-2.003 Length of Licenses
- 65G-2.0032 Agency Monitoring and Oversight
- 65G-2.004 License Violations
- 65G-2.0041 License Violations - Disciplinary Actions
- 65G-2.005 License Denial, Suspension or Revocation
- 65G-2.0074 Adult Day Training Program Standards

PURPOSE AND EFFECT: The purpose and effect of these new rules and amendment to rules is to ensure compliance with Chapter 2023-273, Laws of Florida, mandating the licensure of Adult Day Training (“ADT”) Programs which includes license application procedures, provider qualifications, facility and client care standards, requirements for client records, requirements for staff qualifications and training, and requirements for monitoring.

SUMMARY: The new Rule, 65G-2.0074, F.A.C. established the physical plant and supervision standards. A new application form is incorporated into 65G-2.002, replacing the previous form. The new application form now includes ADTs. The other rules listed above are being amended to add terms and definitions to include adult day training programs.

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 SERC can be summarized by: rulemaking is necessary to implement sections 393.067 and 393.0673; without these rules the Agency would be acting pursuant to an unadopted rule; and given the statutory requirements, the Agency determined the

rules do not have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation, nor do they increase regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or in excess of \$1 million in the aggregate within five years after the implementation of these rules.

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 amended Rules and the new Rule are being promulgated in accordance with Chapter 2023-273, Laws of Florida, which amended section 393.067, Florida Statutes to require the Agency to provide through its licensing authority and by rule license application procedures, provider qualifications, facility and client care standards, requirements for client records, requirements for staff qualifications and training, and requirements for monitoring of adult day training programs that serve agency clients. The Agency is also required by statute to conduct annual inspections and reviews of facilities and adult day training programs licensed under this section. The regulatory costs are a direct consequence of the changes made to the statute.

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: 393.066, 393.0662, 393.067, 393.0673, 393.501, 402.33, F.S.

LAW IMPLEMENTED: 393.066, 393.0662, 393.067, 393.0673, 393.13, 402.33, FS.

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

DATE AND TIME: Tuesday, October 9, 2024, at 11:00 a.m.

PLACE: PLACE: GoToWebinar:
<https://attendee.gotowebinar.com/register/4749202379853171031>

Webinar ID: 922-312-499

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: Brett Taylor, Deputy General Counsel, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, (850)410-1309, Brett.Taylor@apdcares.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brett Taylor, Deputy General Counsel,

Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, (850)410-1309, Brett.Taylor@apdcares.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-2.001 Definitions.

For the purposes of this chapter, the term:

(1) “Adult Day Training Program” means the same as in section 393.063, F.S.

~~(2)(4)~~ No Change.

~~(3)(2)~~ “Applicant” means a person or entity that has submitted a written application to the Agency for the purposes of obtaining an initial ~~residential facility~~ license or renewing an existing ~~residential facility~~ license in accordance with section 393.067, F.S.

~~(3) “Authorized representative” means any person lawfully authorized to make a decision on behalf of a resident.~~

(4) No change.

(5) “Benefit payments” has the same meaning as set forth in section 402.33, Florida Statutes (F.S.).

(6) “Change of ownership” means the process set forth in Rule 65G-2.0021, F.A.C., further defined as an event in which the controlling interest licensee changes to a different person or legal entity through sale, lease, contract, gift, etc., or in which 45 percent or more of the ownership, controlling interest, or voting shares in a corporation whose shares are not publicly traded on a recognized stock exchange are transferred or assigned, including the final transfer or assignment of multiple transfers or assignments taking place over a 2-year period that cumulatively total 45 percent or greater. A change solely in the management company or board of directors is not a change of ownership.

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

~~(8) “Community Based Service Location” means for purposes of the incident reporting requirements under Section 393.067, F.S., any location within the community where the resident or client may be located while the individual is under the supervision of a covered person.~~

~~(8)(9)~~ “Controlling interest entity” means:

(a) through (c) No change.

(d) This term does not include a voluntary board member or the ownership or legal authority of the property on which the facility is located.

(9) “Corrective Action Plan” is a mutually agreed upon plan prepared by the licensee and approved by the Agency by which the corrective action will be accomplished. Corrective Action Plans may be issued as a part of a Notice of Noncompliance.

(10) “Covered person” is as defined in section 393.135,

~~F.S. means any owner, employee, paid staff member, volunteer, or intern of the licensee, any person under contract with the Agency, and any person providing care or support to a client on behalf of the Agency or its providers.~~

(11) “Direct Care Core Competency Training” means the training described and mandated by the Florida Medicaid Developmental Disabilities Individual Budget Waiver Services Coverage and Limitations Handbook (“iBudget Handbook”), which is incorporated by reference in Rule 59G-13.070, F.A.C.

(12) No change.

~~(13) “Emotional harm” means an inferred negative emotional state indicated by agitation, withdrawal, crying, screaming, or other behavioral indicators.~~

~~(13)(14) “Entity” means a an individual partnership, association, joint venture, company, sole proprietorship, corporation, limited liability corporation, professional limited liability corporation, or any other form of business.~~

~~(14) “Essential care” means care and follow-up measures that are medically necessary and directed by the resident’s treating physician, health care practitioner, behavior analyst, or mental health professional for the purpose of continuing an ongoing course of treatment or therapy for an illness, injury, medical condition, or diagnosis until such time as such care and follow-up measures are no longer directed or recommended by the treating practitioner.~~

~~(15) “Facility” means a foster care facility, group home facility, residential habilitation center, or comprehensive transitional education program as defined in Section 393.063, F.S. The individual centers and units that comprise a comprehensive transitional education program collectively constitute a single “facility.”~~

~~(15)(16) No change.~~

~~(16) “Governing Authority” shall mean the organization, person, or persons designated to assume full legal responsibility for the determination of policy, management, operation, and financial viability of the ADT program. This includes the licensee.~~

~~(17) “Foster care facility” has the same meaning as set forth in section 393.063, F.S.~~

~~(18) “Group home facility” has the same meaning as set forth in section 393.063, F.S.~~

~~(17)(19) No change.~~

~~(18) “Legal representative” means:~~

~~(a) for a resident or participant under the age of 18 years, to include the parents of a minor child whose rights have not been terminated, health care surrogate appointed by a Florida court to represent the child or anyone designated by the parent(s) of the child to act on the parent(s)’ behalf (e.g., due to military absence), or anyone appointed by a Florida court as a guardian or guardian advocate under Chapter 393 or 744, F.S.~~

~~(b) for resident or participant age 18 years or older, anyone~~

designated by the resident or participant through a Power of Attorney or Durable Power of Attorney, a medical proxy under Chapter 765, F.S., health care surrogate, or anyone appointed by a Florida court as a guardian or guardian advocate under Chapter 393 or 744, F.S.

~~(19)(20) “Licensee” means a person or entity which that has been issued and currently holds maintains a valid non-expired residential facility license from the Agency.~~

~~(20)(21) “Live-in staff” means a direct service provider(s) providers whose primary residence is the same as that of the residents for whom they are providing supports and services.~~

~~(21)(22) No change.~~

~~(22) “Monitor” or “monitoring” means an on-site inspection conducted by Agency staff for the purpose of determining compliance with chapter 393 and rules adopted thereunder.~~

~~(23) “Notice of Noncompliance” means a notification issued by the Agency to a licensee in response to a minor violation of a rule and prior to imposing an administrative disciplinary action, as described in section 120.695, F.S.~~

~~(23) through (25) renumber as (24) through (26) No change.~~

~~(27) “Participant” means any person, regardless of whether such person is a client of the Agency, who participates in services provided by the Adult Day Training Program.~~

~~(28)(26) No change.~~

~~(29)(27) “Physical harm” means a bodily injury or illness requiring first aid or any other medical procedures.~~

~~(30) “Plan of Remediation” means the plan established by the Agency to be followed by the licensee in order to correct a violation of rule as part of an administrative complaint. Failure to timely complete a Plan of Remediation will constitute an additional rule violation.~~

~~(28) through (29) renumbered as (31) through (32) No change.~~

~~(30) “Repeat violation” means the re-occurrence of a violation of the same standard that occurs within 12 months.~~

~~(33)(31) “Resident” means any person with a developmental disability whose primary place of residence is a facility, as defined in subsection 65G-2.001(14), F.A.C., and section 393.063, F.S., whether or not such person is a client of the Agency.~~

~~(34)(32) “Residential facility” or “Facility” is as defined has the same meaning as in section 393.063, F.S. A facility includes all buildings and grounds included in the physical address of the license. The following are facilities: foster care facility, group home facility, or residential habilitation center as defined in section 393.063, F.S.~~

~~(33) through (35) is renumbered as (35) through (37) No change.~~

(38) “Routine or preventive” means physical or mental health care other than essential care, such as routine examinations, annual check-ups, or preventive screenings and dental care and cleanings.

(36) through (38) are renumbered as (39) through (41) No change.

~~(42)(39)~~ “Sexually aggressive resident” means a minor who is an alleged juvenile sexual offender, as defined in section 985.475 ~~39.04~~, F.S., or an adult who is documented to have committed an act of sexual abuse as that term is defined in section 415.102, F.S.

~~(40) “Survey” means an on-site inspection conducted by Agency staff for the purpose of determining compliance with facility standards.~~

~~(43)(41)~~ No change.

~~(44)(42)~~ “Voluntary board member” means a board member of a not-for-profit corporation or organization who serves solely in a voluntary capacity, does not receive any remuneration for their service services to the corporation or organization, and has no financial interest in the corporation or organization.

~~(45)(43)~~ No change.

~~(46)(44)~~ “Zero Tolerance” means Agency initiated activities, such as education and training, which are intended to prevent occurrences of abuse, neglect, exploitation, and abandonment involving persons with developmental disabilities and to facilitate quicker identification and reporting of potentially harmful situations and environments in which abuse, neglect, exploitation, or abandonment may arise.

~~(47)(45)~~ No change.

Rulemaking Authority 393.066, 393.0662, 393.067, 393.0673, 393.501(4), 402.33 FS. Law Implemented 393.066, 393.0662, 393.067, 393.0673, 393.13, 402.33 FS. History—New 7-1-14, Amended 7-1-18, 8-17-23, _____.

65G-2.002 License Application and Renewal Procedures.

(1) Providers required to be licensed under section 393.067, F.S. to provide services must maintain a All facilities in which clients reside must operate under valid license issued by the Agency.

(2) Application. All applications for initial licensure as well licensure renewal must be submitted using Facility Application form 65G-2.002-A ~~APD—2014 01~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-04405>, ~~(April 1, 2014)~~, which is incorporated herein by reference. A copy of this form may be obtained by contacting the rRegional office. The Agency shall review license applications in compliance with the requirements of section 120.60, F.S.

(3) License renewals. The licensee shall submit an

application for license renewal to the Regional Office at least 45 days prior to the expiration of the prior license. ~~The~~ Failure to submit a complete application at least 45 days prior to the expiration of the prior license shall be considered a Class III violation. No fine shall be imposed if the renewal application is received between 30 and 45 days prior to expiration.

(4) No change.

(5) If the applicant has not provided sufficient supporting information with the application, the Agency shall require the applicant to provide additional information regarding the applicant’s qualifications for the types of residents or participants or the level of services the applicant wishes to serve.

(6) No change.

(7) A license to operate a facility or program is not assignable and is valid only for the applicant identified on the application, and for the premises and purposes specified on the license.

(8) The licensee must give at least 30 days’ notice to the Regional Office in writing prior to the license’s intent to close a licensed facility or program, intent to discontinue responsibility for the management of a licensed facility or program, or intent to sell or lease the facility or program to another owner or operator. The applicant’s failure to provide adequate and timely notice of a facility’s or program’s intent to close or the applicant’s intent to sell or lease a facility or program shall be considered during the review of future license applications by the applicant.

(a) Notice of a licensee’s facility’s intent to close that is delivered to the Agency between 20 and 30 days prior to the closure of the facility or program shall be considered a Class III violation for each resident or participant.

(b) Notice of a licensee’s facility’s intent to close that is delivered to the Agency between 10 and 19 days prior to the closure of the facility or program shall be considered a Class II violation for each facility resident or participant.

(c) Notice of a facility’s or program’s intent to close that is provided less than 10 days prior to the closure of the facility or program shall be considered a Class I violation for each facility resident or participant.

(9) Each facility or program owned and managed under a single corporation, firm, partnership or association must operate under a separate and distinct license.

~~(10) Agency staff shall review applications for licensure using the following forms: Foster Care Facility Checklist, APD 2014-03, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04406>, (effective April 1, 2014), Group Home Facility Checklist, APD 2014-04, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04407>, (effective April 1, 2014), Residential Habilitation Center~~

~~Checklist, APD 2014 05, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04408>, (effective April 1, 2014), Comprehensive Transitional Education Program Checklist, APD 2014 06, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04409>, (effective April 1, 2014), and General Facility Checklist, APD 2014 07, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04410>, (effective April 1, 2014), which are hereby incorporated by reference. These forms may be obtained from the Regional Office.~~

~~(10)(11) If applicant fails to submit a complete application prior to the expiration of the facility's or program's existing license, the application shall be considered an initial application rather than a renewal application.~~

~~(11) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.~~

~~Rulemaking Authority 393.066, 393.0662, 393.067, 393.501 FS. Law Implemented 393.0655, 393.067, 393.0673, 393.13 FS. History—New 7-23-14, Amended _____.~~

65G-2.003 Length of Licenses.

The Agency shall determine the length of a program or facility's license based on the following:

(1) A one year license shall be issued to residential facilities and a three-year license shall be issued to adult day training programs which meet all applicable licensing criteria.

(2) Residential fFacilities with no current residents but which meet all applicable licensing standards shall be granted a one year license. However, such facilities shall have an on-site licensure review by the Regional Office within 30 days following the admission of their first resident to ensure that they are in compliance with the requirements of Chapter 393, F.S., and with the requirements of this rule chapter which could not be previously monitored.

(3) A one month license shall be issued to facilities or programs that are awaiting administrative actions by the Agency or another state agency in order to complete requirements for Agency licensing. This shall include facilities or programs that are pursuing administrative or judicial appeals of Agency action and facilities or programs which are pending a fire inspection. Subsequent and consecutive one month licenses shall be issued if the matter has not been resolved within the initial one month licensure period.

(4) A three month license shall be issued to an existing facility or program which does not have any ongoing Class I violations, but fails to meet all requirements necessary for license renewal, for which no waiver has been approved by the Agency. A three month license shall be accompanied by an approved plan of correction. Failure to complete the actions

specified in the plan of correction within the time limit specified in the plan shall result in the denial of the facility's or program's application for license renewal.

(a) through (b) no change.

(c) A third consecutive three month license shall only be granted at the approval Agency's Director or the Director's designee and shall only be granted if the licensee has made substantial progress to correct the facility's or program's remaining deficiencies. If the facility or program is not in full compliance with all licensing standards prior to the expiration of their third consecutive three month license, the licensee's facility's application for license renewal shall be denied.

(5) A license shall not be issued to any facility or program whose license has been suspended on an emergency basis.

(6) The issuance of a license does not constitute a waiver of any statutory or rule violations by the licensee and does not prevent the Agency from seeking administrative sanctions against the licensee for violations that occurred during the term of previous licenses, up to a period of two years, for the same facility or program.

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

~~Rulemaking Authority 393.067, 393.0673, 393.501(4), 393.067 FS. Law Implemented 393.067, 393.0673 FS. History—New 8-13-78, Formerly 10F-6.05, 10F-6.005, 65B-6.005, Amended 7-1-14, _____.~~

65G-2.0032 Agency Monitoring and Oversight.

(1) The Agency shall monitor ~~conduct a survey of~~ each facility or program prior to the issuance of an initial license or the renewal of an existing license. In addition, the Agency shall conduct ongoing monitoring surveys of each facility or program, either unannounced or announced, in order to ensure the facility or program is in full compliance with the applicable requirements of Chapter 393, F.S., and the administrative rules adopted pursuant to Chapter 393, F.S. ~~For ongoing surveys, Agency staff shall utilize the Facility Inspection Form APD 2014 02, (effective April 1, 2014) <https://www.flrules.org/Gateway/reference.asp?No=Ref-04210>, which is incorporated herein by reference. A copy of this form may be obtained from the Regional Office.~~ The Agency may temporarily suspend monitoring surveys for a specific time or location if the Agency determines that:

(a) A recent, impending, or ongoing disaster or emergency situation has made the monitoring surveys unsafe or impossible;

(b) The residential facilities identified have no current residents, and may be monitored surveyed on a less frequent basis, or

(c) Monitoring Surveys should be suspended within a

designated area or timeframe to promote the health, safety, or welfare of the public.

(2) Each licensee shall be monitored prior to initial licensure, renewal licensure, and on an ongoing basis thereafter. Frequency of Surveys. Each facility shall be surveyed by Agency staff on at least a monthly basis. The Agency may survey facilities on a more frequent basis in order to investigate complaints, in situations where it is known or suspected that the facility is not in full compliance with Chapter 393, F.S., or any administrative rules adopted pursuant to Chapter 393, F.S., or in situations where the Agency has reason to believe that the health, safety, or welfare of residents may be at risk.

(3) Follow-up monitoring may be conducted to verify correction of deficiencies at any time on an unannounced basis.

(4)(3) Licensees and facility employees of the licensee must permit any Agency staff or designated agent of the State of Florida, who presents proper State of Florida-issued identification, to enter and inspect any part of any facility or program building or to inspect records relating to the operation of the facility or program or the provision of client care at any time that facility staff, management, owners, directors, or residents, or participants are present in the facility. A violation of this subsection shall constitute a Class II violation.

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

Rulemaking Authority ~~393.501(4)~~, 393.067, 393.0673, 393.501 FS. Laws Implemented 393.067, 393.0673 FS. History—New 7-1-14, Amended _____.

65G-2.004 License Violations.

(1) Notice of noncompliance. The Agency shall issue a notice of noncompliance as provided under Section 120.695, F.S., in response to the first occurrence of a Class II or III violation that is not corrected prior to being monitored the completion of the survey which revealed the aforementioned violation. Within 15 days following receipt of a Notice of Noncompliance, the licensee must submit a written corrective action plan, to the regional office. Failure to submit a corrective action plan within the required timeframe or repeat occurrences of Class II or III violations shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C. For the purposes of this subsection, a first occurrence of a Class II or III violation refers to those violations which have not been previously observed and cited by Agency staff within the past 12 months.

(2) Corrective action plans. The licensee must develop and submit to the Agency a corrective action plan within 15 days following the receipt of a Notice of Noncompliance. The corrective action plan shall specify the actions the facility or program will take to correct each of the violations identified and

to comply with the applicable licensing requirements, the name of the staff person(s) responsible for completing each action, and a timeframe for accomplishing each action. All action taken to correct a violation shall be documented in writing by the licensee. Failure to comply with the corrective action plan shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C. The Agency shall reject any corrective action plan that fails to identify all of the information described above. If the Agency rejects a corrective action plan, the Agency shall notify the licensee in writing of the reasons for rejection and shall state that the licensee has 10 days from receipt of the notification to submit an amended corrective action plan.

(3) Moratoriums. A moratorium on the admission of new clients into a facility or program may be imposed pursuant to the criteria stated in Section 393.0673(6), F.S.

(4) Relinquishment and license expiration. The expiration or relinquishment of a license that is pending administrative sanctions does not render the administrative sanctions moot. The Agency may continue to seek administrative sanctions against a licensee for violations that occurred during a licensee's management or oversight of a facility even if the licensee ceases to own or lease the facility or program, operate the facility or program, or provide services in the facility or program after the violations have occurred.

Rulemaking Authority ~~393.501(4)~~, 393.067, 393.0673, 393.501 FS. Laws Implemented 393.067, 393.0673 FS. History—New 7-1-14, Amended _____.

65G-2.0041 License Violations – Disciplinary Actions.

(1) No change.

(2) Factors considered when determining sanctions to be imposed for a violation. The Agency shall consider the following factors when determining the sanctions for a violation:

(a) The gravity of the violation, including whether the incident involved the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a resident or participant, whether death or serious physical or mental injury could have resulted from the violation, and whether the violation has resulted in permanent or irrevocable injuries, damage to property, or loss of property or client funds;

(b) through (c) no change.

(d) The number of residents or participants served by the facility or program and the number of residents or participants affected or put at risk by the violation;

(e) through (h) no change.

(3) Additional considerations for Class I violations, repeated violations or for violations that have not been corrected.

(a) through (c) No change.

(d) Failure to complete corrective action within the designated timeframes may result in revocation or non-renewal of the facility's or program's license.

(4) Sanctions. Fines shall be imposed, pursuant to a final order of the Agency, according to the following three-tiered classification system for the violation of facility standards as provided by law or administrative rule. Each day a violation occurs or continues to occur constitutes a separate violation and is subject to a separate and additional sanction. Violations shall be classified according to the following criteria:

(a) No change.

(b) Class II violations are violations that do not pose an immediate threat to the health, safety or welfare of a resident, but could reasonably be expected to cause harm if not corrected. Class II violations include statutory or rule violations related to the operation and maintenance of a facility or to the personal care of residents which the Agency determines directly threaten the physical or emotional health, safety, or security of facility residents, other than Class I violations.

1. No change.

2. A fine may be levied notwithstanding the correction of the violation during the monitoring visit survey if the violation is a repeat Class II violation.

(c) Class III violations are statutory or rule violations related to the operation and maintenance of the facility or to the personal care of residents, other than Class I or Class II violations.

1. No change.

2. A repeat Class III violation previously cited in a notice of noncompliance may incur a fine even if the violation is corrected before the Agency completes its monotoring survey of the facility or program.

3. If twenty or more Class III violations occur within a one year time period, the Agency may seek the suspension or revocation of the facility's or program's license, nonrenewal of licensure, or moratorium on admissions to the facility or program.

(d) No change.

Rulemaking Authority ~~393.501(1)~~, 393.067, 393.0673, 393.501 FS. Laws Implemented 393.067, 393.0673, FS. History—New 7-1-14, Amended _____.

65G-2.005 License Denial, Suspension or Revocation.

(1) A license to operate a residential facility or program is not assignable and is valid only for the entity, premises, and purposes specified in the license.

(2) A change of licensee or a move of the facility or program to another location shall result in the revocation of the license.

Rulemaking Authority 393.501(4), 393.067, 393.0673 FS. Law Implemented 393.067, 393.673 FS. History—New 8-13-78, Formerly

10F-6.03, 10F-6.003, 65B-6.003, Amended 7-1-14, _____.

65G-2.0074 Adult Day Training Program Standards.

(1) Right to use and occupy.

(a) The licensee must have the legal right to use and occupy the property.

(b) If the licensee is not the owner of the property, they must have a fully executed lease.

1. The lease must be current at the time of initial licensure and renewal.

2. The lease must not lapse during the term of the license.

3. The terms of the lease must not preclude the program from being able to operate as an Adult Day Training Program (“ADT”) in accordance with Chapter 65G-2, F.A.C.

(c) A violation of this section is a Class II violation.

(2) Physical site standards.

(a) The program is responsible for providing a healthy, safe, and caring environment. The program must have and maintain the minimum physical site standards as established by this Rule. The only exception to the physical site standards is in the event of an emergency, such as a natural disaster or loss of power outside of the control of licensee.

(b) An occupied dwelling, storage units, or garage may not be used for ADT services.

(c) The physical site must be free of dangerous conditions and hazards. Interior and exterior building surfaces must be free of hazardous conditions. Violation of this paragraph constitutes a Class II violation. hazardous conditions include:

1. cracks, holes, tears, uneven projections, protruding nails, splinters;

2. broken, warped, or loose: boards, tile, linoleum, handrails, railings, plaster, lath, windowpanes, hanging fixtures;

3. exposed pipes, ducts, or electrical wiring within human reach;

4. water leaks or damage;

5. tripping hazards; and

6. hazardous chemicals or materials that are not safely stored.

(d) All areas of the physical site occupied by participants, including rooms, common areas, hallways, bathrooms, and dining areas shall have natural or mechanical ventilation.

(e) Each program must have documentation showing that the licensee has successfully passed and maintains compliance with fire safety inspections that reflects the maximum occupancy.

(f) Ramps, doors, corridors, bathrooms, changing areas, furnishings, and equipment shall be accessible and designed to accommodate participants' needs and disabilities.

(g) The physical site must not have architectural barriers that prevent participation in everyday program activities or

limits care.

(h) Each program that serves participants who require medically essential services requiring a power source or equipment that requires electricity is solely responsible for ensuring there is backup equipment or power supply and a planned course of action in the event of a power outage or interruption of service in accordance with section 366.15, F.S.

(i) The program shall provide a safe, clean, hygienic and sanitary setting. Floors, walls, ceilings, windows, doors, and all parts of the structures shall be of sound construction, properly maintained, in working order, and kept clean as necessary to ensure the health and safety of the facility's/program's participants.

(j) All interior doors with locks must be openable from the inside of the room.

(k) Exterior doors must not prevent individuals from exiting the building.

(l) Each physical site must have a designated drop off and pick up area that is free from hazards and roadway traffic.

(m) A violation of this section shall be a Class II violation.

(3) Activity area and dining area.

(a) The number of occupants in the building shall not exceed the maximum occupancy as directed by the Fire Marshall.

(b) The classroom and activity area shall be provided with an adequate number of appropriate furnishings for the usual functions. These furnishings shall be sturdily constructed, in working condition, and be designed to meet the daily needs of participants.

(c) The dining area furnishings shall be adequate in number, sturdily constructed and be designed to meet the daily needs of participants.

(4) Food preparation, storage, and service:

(a) All surfaces, preparation equipment, utensils, cutlery, and dishes must be maintained in a clean and sanitized manner, free of any damage, and safe for intended use.

(b) All participant's food plans must be maintained in participant file and followed, if applicable.

(c) Food must be free from cross-contamination.

(d) All food must be stored at appropriate temperature and location to maintain safety.

(e) Hotplates, grills, propane stoves, and similar equipment must be operated in a well-ventilated area and free from hazard(s).

(f) All food received or used in a licensed program shall be clean, hygienic and sanitary, and safe for human consumption, and free from spoilage, adulteration, and misbranding.

(g) Food, while being transported, stored, prepared, displayed, or served within licensed program, shall be protected from dust, flies, rodents or other vermin, toxic materials, unclean equipment and utensils, flooding, sewage, overhead

leakage, and any other source of contamination.

(h) Food shall be stored a minimum of 6 inches above the floor, on clean shelves, racks, or other clean surfaces in such a manner as to be protected from splashing and other contamination. Food must be stored in a manner which permits free air circulation in and around food.

(i) Food not subject to further washing or cooking (ready to eat) before being served shall be stored in a manner that protects it from cross-contamination with food requiring washing or cooking. Packaged food shall not be stored in contact with water or undrained ice.

(j) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered, and labeled container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent.

(k) Prior to the food being placed into the freezer, the container must be clearly marked to indicate the date of freezing. Food must be dated if not consumed upon initial preparation.

(l) Hot food shall be cooled within 4 hours to 41 degrees Fahrenheit or below.

(m) Potentially hazardous food. For purposes of this rule, "potentially hazardous food" means food that requires refrigeration or freezing to prevent spoilage while it is in storage. The following requirements apply to potentially hazardous food:

1. Different types of raw animal products such as beef, fish, lamb, pork, or poultry shall be separated during storage and processing by use of different containers, partitions, shelves, or by cleaning and sanitizing the equipment between product use. Raw food products shall be physically separated from ready-to-eat food products during display or storage by storing the raw products below all ready-to-eat food products.

2. Upon receipt, potentially hazardous food shall be stored in a refrigerator or freezer, as appropriate, at temperatures that will protect it from spoilage. All potentially hazardous food shall be kept at safe temperatures, either below 41 degrees Fahrenheit or above 135 degrees Fahrenheit after cooking.

3. Potentially hazardous foods that are to be served without further cooking (ready to eat foods) and will require refrigeration shall not be allowed to remain between 41 degrees and 135 degrees Fahrenheit for a period in excess of four hours.

4. Frozen potentially hazardous food shall be thawed in refrigerated units at a temperature not to exceed 41 degrees Fahrenheit, or under cold potable running water, or in a microwave. Frozen potentially hazardous food shall be cooked immediately after thawing.

5. Potentially hazardous foods shall be kept for no more than seven days after its initial cooking.

(n) When meal services are served or prepared by the program, the following standards shall apply:

1. The program shall identify each participants' nutritional needs and dietary orders at the time of admission. A copy of current dietary plans, if applicable, shall be maintained on file.

2. Food and beverages shall be of adequate quantity and variety, served at appropriate temperatures, prepared by methods which conserve nutritional value, and served in a form easy for participants to manage and, within reason, in keeping with participant preferences. Within reason, dietary practices in keeping with the religious requirements of the participant's faith group shall be observed at the request of the participant or the participant's legal representative.

3. Menus shall be planned and written and dated at least two days in advance of consumption. Menus, as served, shall be kept on file for a minimum of one month.

4. Meals shall be prepared and served in accordance with the facility or program's menu.

5. Meals shall be served in accordance with participants' applicable dietary plan.

6. A dietician must be consulted at least annually. Documentation of such consultation and a summary of the dietician's recommendation shall be kept on file for three years.

(o) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(5) Bathrooms and Changing Areas.

(a) The physical site shall have bathrooms, equipped with functioning toilets and sinks, accessible and available for participant use, follow ADA Standards and be in a good working condition that is clean, hygienic and sanitary.

(b) Bathrooms and changing areas used by participants shall provide individual privacy. A violation of this paragraph shall constitute a Class II violation.

(c) Bathrooms and changing areas shall be sanitary and well-ventilated.

(d) Bathrooms and changing areas shall have sufficient supplies of toiletry items such as soap and toilet paper to accommodate participants' needs.

(e) Bathrooms and changing areas must be indoors.

(f) For ADTs licensed prior to 60 days after the effective date of the rule and for only as long as there is no lapse in licensure from the date of the original license, the physical site shall have a minimum of two (2) toilets and (2) sinks for every thirty-five (35) individuals, including participants and staff. For all ADTs newly licensed after 60 days from the effective date of the rule, the physical site shall have at minimum two (2) toilets and (2) sinks for every twenty-five (25) individuals, including participants and staff.

(g) Except for paragraph (b), a violation of this subsection shall constitute a Class III violation.

(6) Water Temperature.

(a) The program must have an adequate supply of clean water. Hot water, if available in changing facilities or sinks, used by participants must not exceed 120 degrees Fahrenheit (48.9 degrees Celsius) at the outlet.

(b) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(7) Heating and cooling.

(a) Indoor temperature shall be maintained within a range of 62 degrees to 80 degrees, as appropriate for the climate. The facility or program shall not provide services to participants when temperatures fall outside of this range. An alternative location meeting these temperature ranges, commensurate with the facility's emergency operation plan, must be immediately utilized until the temperature in the original licensed location falls within the ranges outlined herein.

(b) All heating equipment shall be maintained to ensure that there is no burn hazard to the participants.

(c) Portable heaters, such as space heaters, must utilize an automatic safety switch that turns the unit off if it is tipped over, and a thermostatic control which ensures that the unit will turn itself off and prevent overheating or creating an electrical hazard.

(d) There shall be no discernible differences between the temperature and humidity of areas within the physical site that are used by staff and those areas used by the participants unless such differences are based on documented participant need or preference.

(e) The physical site must maintain a thermometer which accurately identifies the temperature.

(f) The licensee must notify the Agency when repairs to the heating or cooling systems are needed, when it is reasonably expected to cause the temperature to fail to meet the requirements of this section, the timeline for those repairs, and must keep the Agency updated as repairs are made.

(g) Programs that operate outdoors must have alternate settings in place in the event of inclement weather, including extreme heat, humidity, or cold, and respite for participants when needed.

(h) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(8) Lighting.

(a) All areas of the physical site shall be suitably lit in accordance with area usage.

(b) A violation of this subsection shall constitute a Class III

violation.

(9) Housekeeping and Maintenance.

(a) The interior and exterior of the physical site shall be maintained by the licensee to ensure the health and safety of participants. The physical site must have a written plan for housekeeping, including staff, equipment, and supplies. As part of the licensee's housekeeping plan, the licensee must:

(b) Keep the buildings in a clean, safe, and orderly condition. This includes all rooms, bathrooms, corridors, storage areas, entry ways and ramps;

(c) Keep floors clean and non-slip to ensure participant safety;

(d) Keep stairways and similar areas free of accumulations of refuse, discarded furniture, discarded equipment, newspapers, magazines, boxes, and other similar items;

(e) The physical site shall be free of unpleasant or noxious odors.

(f) To ensure the health and safety of participants, the grounds and any additional buildings on the grounds, under the control and custody of the ADT, shall be free of unkempt vegetation and debris and maintained in a safe, clean, and sanitary condition.

(g) All outdoor garbage and other waste materials shall be kept in covered containers until removed. Containers shall be emptied as often as necessary to prevent public nuisance and health hazards in accordance with municipal and county requirements of the jurisdiction within which the facility or program is located.

(h) All indoor garbage and other waste materials shall be stored in a manner that would maintain a sanitary condition. Trashcans or other such waste containers must be emptied as often as necessary to prevent attracting pest or vermin and prevent unpleasant or noxious odors.

(i) Except when restitution is a component of a client's Local Review Committee-approved or participant's behavior plan, licensees are solely responsible for any costs associated with the repair or replacement of any facility or program equipment or property which is owned or leased by the licensee when such equipment or property is lost, damaged, or destroyed by a participant. Any necessary repairs must be made in a timely fashion to keep all requirements described in this rule in good working condition.

(j) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(10) Firearms and weapons.

(a) Only certified security guards or law enforcement may be permitted to carry firearms, ammunition, and any other weapon in the course of their duty.

(b) If an armed security guard is used, the program must

maintain policies to ensure participants remain safe and do not have access to weapons.

(c) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(11) Hazardous and toxic compounds.

(a) All poisonous and toxic compounds and potentially hazardous instruments shall be used with extreme caution. Compounds harmless to human consumption shall be used whenever reasonably appropriate.

(b) All poisonous, toxic, and hazardous compounds and materials shall be stored in an appropriate container which identifies the material it contains, and locked in a storage space to restrict participant access.

(c) Such items shall be safeguarded and not co-mingled with food items in storage areas or elsewhere.

(d) In all cases, such products shall be stored in their original containers or, if transferred to other containers for dispensing purposes, clearly labeled as to the contents and locked in a storage area.

(e) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(12) Swimming pools and other bodies of water.

(a) Access to bodies of water or other water hazards must be restricted when supervision is not available. Supervision must be provided by an adult staff member of the program who is responsible for the participant who is certified in first aid and CPR.

(b) All water-related recreational activities in which participants are partaking, such as boating or water sports, must be directly supervised by an adult staff member of the facility or program who is certified in first aid and CPR with the means to contact Emergency Response Services.

(c) Participants who are not proficient swimmers:

1. Must be supervised by sight and sound at all times when they are within 50 feet of any body of water or water hazard such as pools, hot tubs, canals, creeks, holding ponds, rivers, lakes, swamps or areas subject to flooding.

2. Must not be allowed in pools or other bodies of water without wearing a life jacket or other U.S. Coast Guard approved flotation device, unless engaged in swimming lessons or while under the direct supervision of staff capable of assisting with swimming-related emergencies and who is certified in first aid and CPR.

(d) Any swimming pool maintained by the facility must be kept in a clean, hygienic and sanitary condition.

(e) A violation of this subsection shall constitute a Class II violation.

(13) Smoking.

(a) Smoking, vaping, or use of other tobacco products shall not be permitted indoors.

(b) A violation of this subsection shall constitute a Class III violation.

(14) Alarms. Alarms that are activated when an exterior door or window is opened are permitted for use within licensed facilities/programs.

(15) Smoke and carbon monoxide detectors.

(a) Facilities shall be equipped with smoke and carbon monoxide detectors in good working condition. Battery activated detectors must be tested at least every 6 months.

(b) Battery activated detectors testing must be documented and maintained by the physical site. Documentation must include:

1. First and last name of staff completing the test;
2. Date of the test;
3. Time of the test; and
4. Result of the test.

(c) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(16) Insect, Rodent, and Vermin Control.

(a) Measures shall be utilized to minimize the presence of rodents, flies, cockroaches, bedbugs, lice, and other insects on the premises, which include maintaining a clean environment in the physical site.

(b) All buildings shall be maintained rodent-proof and free from rodents.

(c) All outside openings shall be effectively sealed or screened to prevent entry of insects, rodents, and vermin.

(d) For persistent pest control problems, a licensed pest control operator must be used.

(e) Violations of paragraphs (a) through (d) shall constitute a Class II violation.

(f) In the event of an infestation, all measures taken must be documented by the licensee and provided to the Agency. A Violation of this paragraph shall constitute a Class III violation.

(17) Animal Health and Safety.

(a) Animals must be kept free from disease or under treatment by a licensed veterinarian.

(b) Animals kept indoors or having access to the indoors must be treated for flea and tick control in accordance with the recommendations of a licensed veterinarian to prevent infestations.

(c) Animals requiring rabies vaccination must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(d) Violations of this subsection shall constitute a Class III violation.

(18) Response to Participant Sickness.

(a) Program staff must carefully clean any areas contaminated with vomit, stool, or other bodily fluid.

(b) Vomit, stool, and bodily fluid shall be cleaned up before disinfecting. Responsible staff shall wear disposable gloves to clean and disinfect whenever possible. Cleaning shall be done with disposable towels and used towels shall be disposed of in a non-absorbent plastic bag.

(c) Program staff must disinfect the affected area after cleaning. Staff shall allow the area to air-dry and discard all materials used to clean the area, including placing used towels and gloves in a non-absorbent plastic bag. Staff must wash their hands with soap and water immediately after removing gloves.

(d) Soiled linens, soiled clothes, or other soiled items shall be carefully removed and kept separate from uncontaminated items.

(e) Participants who become ill while receiving services must be separated from other participants to prevent possible spread of infectious diseases.

(f) Program staff and direct service providers must seek and obtain emergency medical treatment when necessary.

(g) Program staff must maintain and adhere to policies and procedures outlining the program's response to participants becoming sick while receiving services.

(h) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(19) Foreclosures, Evictions and Bankruptcies.

(a) Licensees must notify the Agency within 24 hours upon the receipt of a notice of eviction or foreclosure involving the property at which the license is maintained.

(b) Licensees who file for bankruptcy protection must notify the Agency within 24 hours of filing for bankruptcy.

(c) A violation of this subsection shall constitute a Class II violation.

(20) Optional in-service training.

(a) The licensee may develop in-service training for family members, guardians, or guardian advocates of participants. This training may address topics such as appropriate behavioral interventions, guardianship, social security benefit issues, or other topics of relevance. Under no circumstances may the licensee, or its contracted trainer or presenter, charge a participant a fee for the provision of such training.

(b) A violation of this subsection is a Class III violation.

(21) Emergency Management Plans.

(a) Emergency Plan Components. Under section 393.067(8), F.S., each physical site shall prepare and maintain a written comprehensive emergency management plan. The

emergency management plan must address the following:

1. Provisions for all hazards. Each plan shall describe the potential hazards to which the physical site is vulnerable such as hurricanes, tornadoes, flooding, fires, hazardous materials, transportation accidents, physical site damage, and power outages during severe cold or hot weather.

2. Provisions and plans for the care of participants remaining in the physical site during an emergency, including pre-disaster or emergency preparation, protecting the physical site program, ensuring participants and staff have adequate supplies, medications, emergency power, ensuring participants have adequate food and water, maintaining adequate staffing, and emergency equipment.

3. Identification of participants with mobility limitations who may need specialized assistance while at the physical site.

4. Identification of, coordination with, and compliance with the local emergency management agency orders.

5. Arrangement and coordination of post-disaster activities including responding to family inquiries, obtaining medical intervention for participants, transportation, etc.

6. The identification of staff responsible for implementing each part of the plan.

(b) Emergency management plans shall be reviewed and updated at least annually and may be developed with the assistance of appropriate resource persons from the local fire marshal, Regional Office, or local emergency management agency.

(c) Emergency Management Plan Implementation. In the event of an internal or external disaster, the program shall implement the emergency management plan in accordance with sections 252.355 and 252.356, F.S.

1. All staff must be knowledgeable of physical site procedures for handling emergencies and implementing the emergency management plan. All staff must be trained in the physical site emergency management plan within 30 days of hire. Staff shall be trained in the emergency management plan annually, after the plan's annual update. Documentation of staff training must be maintained in the staff's personnel file.

2. All staff are responsible for implementing the emergency management plan and must be able to implement the emergency management plan.

3. If telephone service is not available during an emergency, the program shall request assistance from local law enforcement or emergency management personnel in maintaining communication.

(d) Evacuation. The physical site must evacuate the premises during or after an emergency if so directed by the local emergency management agency.

1. The licensee shall report the evacuation to the designated Agency regional office contact within six hours of the evacuation order.

2. The physical site shall not be re-occupied until (1) the area is cleared for reentry by the local emergency management agency, local fire marshal, or any other agency or entity having authority and (2) the physical site meets the immediate needs of the participants.

(e) In the event a state of emergency has been declared and the physical site is not required to evacuate the premises, the physical site may provide emergency shelter above the physical site's licensed capacity provided the following conditions are met:

1. No one's life, health, well-being and overall safety would be put at risk;

2. The immediate needs of all participants and other individuals sheltered at the physical site can be met by the program;

3. Within forty-eight (48) hours following the physical site exceeding its capacity, the licensee must report to the Agency that the physical site is overcapacity and describe the conditions that have caused it to be overcapacity. If the physical site continues to be overcapacity after the declared emergency ends, the Agency shall review such ongoing requests on a case-by-case basis; and

4. The program maintains a log of the additional persons housed in the physical site. The log shall include each additional individual's name, address, and the dates of arrival and departure. The log shall be available for review by representatives of the Agency and the local emergency management agency or its designee. The admissions and discharge log maintained by the physical site may not be used to satisfy this requirement.

(f) Emergency management plans, documents regarding staff training, and any logs must be made available to the Agency within 3 days of the request.

(g) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(22) Program standards

(a) Programs of Adult Day Training services must support full access and integration into the outside community.

(b) The program must provide a variety of physically and mentally stimulating activities.

(c) Activities provided by the program must be age-appropriate.

(d) Participants should be able to choose the activities in which they participate.

(e) All program services shall be provided in a person-centered approach, in accordance with a participant's goals and choices and ensure the participant's rights to privacy, dignity, and respect.

(f) All program services shall include training and

assistance with skill acquisition and retention in activities of daily living, personal care, social skills, self-help, socialization, adaptive skills, recreation, and encourage independence as outlined in the Florida Medicaid Developmental Disabilities Individual Budget Waiver Services Coverage and Limitations Handbook (“iBudget Handbook”), which is incorporated by reference in Rule 59G-13.070, F.A.C.

(g) Provisions of services shall be maintained in accordance with all applicable rules, including but not limited to the iBudget Handbook, Rule 59G-13.070, F.A.C.

(h) Documentation storage must be maintained in accordance with HIPAA to prevent any unauthorized access or disclosures.

(23) Transportation.

(a) When the ADT is providing transportation for participants during the course of program’s activities, a log must be maintained for each participant transported in a vehicle. The licensee must maintain the log for a minimum of 12 months.

(b) All transportation logs must be available for review by the Agency during monitoring visits and upon request.

(c) The transportation log must include, at minimum:

1. Name of each participant;
2. The date of transportation was provided;
3. Mode of Transportation;
4. Destination; and

5. Name of all staff involved in the transportation and the staff member responsible for keeping the log to verify that all participants have arrived safely at the destination.

(e) Prior to each departure, the transportation log must be recorded with each participant’s name, date and time of departure, and initialed by the direct service provider verifying each participant is accounted for.

(f) Upon arrival at the destination, the driver must complete the transportation log and mark each participant off the log as the participant departs the vehicle.

(g) The driver must complete a physical inspection and visual sweep of the vehicle at the arrival of the destination to ensure that no participant is left inside the vehicle.

(h) If the licensee contracts with an outside entity to provide transportation, the licensee must assign a direct care staff to perform the duties described in paragraphs (a) through (f).

(i) The maximum number of individuals transported must not exceed the manufacturer’s designated seating capacity or the number of factory installed seatbelts.

(j) When transporting participants, the staff to participant ratio must be maintained.

(k) Participants must use seatbelts or other safety restraints during transportation.

(l) Staff providing transportation must meet all training

requirements set forth in this rule.

(m) All vehicles used to transport participants must be maintained in a clean condition and pursuant to the vehicle or manufacturers’ requirements or instructions to ensure that they are in proper working order. Documentation of the maintenance must be maintained on file for a minimum of 12 months, and available to Agency staff during monitoring visits and upon request.

(n) Smoking and vaping shall be prohibited in vehicles.

(o) The interior of the vehicle, when being used to transport participants must be maintained at a temperature between 65 to 78 degrees Fahrenheit. The vehicle can be ventilated either by mechanical or natural means to maintain the temperature. This is only during the operational transportation of the vehicle and does not include the loading or unloading of the vehicle.

(p) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(24) Administration

(a) The program shall have a Governing Authority which shall establish policies in compliance with this rule and all other applicable rules.

(b) The Governing Authority shall establish that the owner, operator, or a designated Program director is on-site during the program’s hours of operation and is responsible for the daily and ongoing operation of the program and for ensuring compliance with all rules and regulations, including Chapter 65G-2, F.A.C., iBudget Handbook and Chapter 393, F.S., whenever one or more participants are present.

(c) The Program director shall possess at a minimum an associate’s degree from an accredited college or university, and two years verifiable experience working directly with individuals receiving services or related experience.

(d) The licensee must designate a staff member to serve as the back-up Program director when the Program director is unavailable. The designee shall meet the same qualifications as the Program director. Related experience will substitute on a year-for-year basis for the required college education.

(e) The licensee shall ensure that each staff member:

1. Maintains personal cleanliness and hygiene;
2. Refrains from abusive, neglectful, exploitative, and other unacceptable conduct such as the use of alcohol, illegal use of narcotics or other impairing drugs, and behavior or language which may be injurious to participants;

3. Who is diagnosed as having a communicable disease, infection, or infestation after beginning work in the physical site shall be excluded from working until deemed non-infectious in the work setting.

4. If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or

welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(f) An area of the physical site shall be designated as office space where files, desk(s), telephone(s), and other administrative tools and equipment are located. Provisions shall be made for ensuring the security of confidential files and other types of records, such as account books, inventories, audits, and client/participant records. These records may be kept electronically. A violation of this paragraph shall constitute a Class II violation.

(g) All documentation must be completed in English. A violation of this paragraph shall constitute a Class III violation.

(25) Financial Standards

(a) The licensee shall maintain fiscal records pertaining to the cost of providing care to the Agency's clients in accordance with generally accepted accounting principles.

(b) Upon request by the Agency, the licensee shall provide to the Agency evidence of financial ability to operate the program in accordance with the requirements of Chapter 65G-2, F.A.C., for up to 60 days without dependence upon payment from the state or other third-party fees from clients. Such evidence shall include bank account statements, pay stubs, documentation of a line of credit, or any other documents which would demonstrate the expected ability of the licensee to continue operations for that period and under those conditions.

(c) If a program receives funds for developmental training programs, evidence of 12.5% match from local sources of in-kind services must be provided upon request by the Agency.

(d) The Agency may audit the records of a program to ensure compliance with Chapter 65G-2, F.A.C., and Chapter 393, F.S., provided that financial audits shall be limited to the records of the Agency's clients. Failure to maintain records shall constitute a Class III violation. Failure to allow the Agency access to records for an audit shall constitute a Class II violation.

(e) Upon request by the Agency, the program shall make available copies of any internal or external audit reports pertaining to funding received on behalf of the Agency's clients. Failure to allow the Agency access to client record shall constitute a Class II violation.

(f) The licensee, the program staff, direct service providers, and any family members thereof are prohibited from:

1. Being the named beneficiary of a client's life insurance policy unless related to the client by blood or marriage;

2. Receiving any indirect financial benefit from a client's life insurance policy unless related to the client or client by blood or marriage; or

3. Borrowing or otherwise using a client's personal funds for any purpose other than the client's or client's benefit.

4. Violation of paragraph (f) shall constitute a Class II violation.

(26) Staffing requirements

(a) Staffing Ratios.

1. The licensee shall employ and schedule adequate staff to maintain the program in a manner that promotes and ensures the health, safety, and welfare of all participants, and protects participants and the public from any known dangerous behaviors. At a minimum, the licensee shall maintain the staffing pattern delineated and described on the participants' support plan(s), approved service authorizations, or agreed contract of care. Every participant, regardless of the funding source, must be included in the staffing ratio calculations.

2. If the Agency determines that the program does not have adequate staff, the Agency will send the program a Notice of Noncompliance for the first occurrence. Such notice will provide a timeline and a Corrective Action Plan to ensure that the program has an adequate number of qualified personnel. Additional occurrences shall be addressed in accordance with the disciplinary chart in Rule 65G-2.0041, F.A.C.

(27) Required Skills for All Direct Service Providers.

(a) A direct service provider must be capable of effective communication with the participants of the program as well as other individuals, such as support coordinators, Agency staff, family members of participants, and others who routinely interact with facility or program staff.

(b) A direct service provider must demonstrate the ability to comprehend, comply with, and implement all requirements provided by law and Agency rules and statutes for the provision of services rendered to participants of their facilities or programs.

(c) A direct service provider must be physically capable of performing the duties for which they are responsible.

(d) A direct service provider responsible for transporting participants shall not possess driving violations, committed within the past three years, which relate to driving under the influence of alcohol or drugs or any other moving violation(s) that resulted in the suspension or revocation of his or her license.

1. Licensees must update their staff's driving history on an annual basis.

2. A direct service provider must obey all traffic laws while transporting participants.

3. There must be a current and appropriate auto insurance policy that covers the vehicle and staff.

(e) Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in, or poses a serious immediate threat of, death or serious harm to the health, safety or welfare of a resident to a participant, the violation shall constitute a Class I violation, instead.

(28) Safety Standards.

(a) A direct service provider shall not be under the influence of alcoholic beverages, medicine, or other substances

to the extent their normal faculties are impaired. For the purpose of this paragraph “normal faculties” include but are not limited to the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgements, act in emergencies and, in general, to perform the ordinary mental and physical acts of daily life and employment duties.

(b) Licensees are responsible for ensuring that a direct service provider who transports participants has a valid driver’s license.

(c) Licensees are required to ensure that all direct service providers continue to meet all staffing requirements in accordance with all applicable rules and Florida Statutes.

(d) On at least an annual basis, all licensees must access the Florida Department of Law Enforcement’s Sex Offender and Predator System database for the purposes of identifying database registrants who reside within a one-mile radius of the physical site. The licensee shall notify all direct service providers of the location of sexual offenders or predators who live within one mile of the physical site and document such notification.

(e) The physical site shall have on the premises a first aid kit. The first aid kit shall be maintained in places known and readily available to all direct service providers.

1. The first aid kit must be adequately stocked with no expired items.

2. Potentially toxic materials contained within first aid kits shall be stored in a manner that does not pose a risk to participants.

(f) The program staff must call 911 immediately upon any emergency, injury, or illness that cannot be addressed effectively on site or any event that can be considered life threatening.

(g) The physical site shall conduct at minimum quarterly fire drills or more frequently if required by the fire authority having jurisdiction when participants are on site. Subject to fire authority having jurisdiction approval, evacuation of the premises shall not be required; however, the physical site shall ensure that the participants are taken at least to the point of exit. A current attendance record must accompany program staff during a drill or actual evacuation and be used to account for all participants.

1. Dates and results of each fire drill shall be recorded and maintained for three years following the date of the drill.

2. The record must include the time of drill, point(s) of exit(s) used, evacuation time, number of participants at the time of the drill, the length of time taken to evacuate the premises, and the signature of the person conducting the drill.

(h) The program shall provide supervision to each participant during an evacuation between the physical site and the transportation.

(i) The program shall ensure the use of the designated drop

off and pick up areas during transitions from the physical site and transportation.

(j) The program will ensure that all participants are accounted for at all times during and upon completion of any program activity, whether on-site or in the outside community.

(k) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(29) Behavioral Interventions and Responses to Behavioral Issues.

(a) The program shall have a written statement of policies and procedures describing actions that may be taken by a direct service provider to help prevent or respond to behavioral problems exhibited by participants, including emergency procedures and reporting requirements. Such policies and procedures, as well as any actions taken by a direct service provider involving participants of the program, shall be consistent with the provisions of section 393.13, F.S., as well as Chapters 65G-4 and 65G-8, F.A.C.

(b) A direct service provider must be trained to appropriately respond to serious and spontaneous behavioral incidents requiring emergency intervention procedures.

(c) A direct service provider shall not implement emergency intervention procedures that use restraint or seclusion, or cause physical discomfort, unless they have been certified through an Agency-approved emergency procedure curriculum in accordance with Chapter 65G-8, F.A.C.

(d) The following responses are strictly forbidden:

1. Physical or corporal punishment that includes, but is not limited to hitting, slapping, smacking, pinching, paddling, pulling hair, pushing, or shoving participants;

2. The use of noxious substances or devices which induce pain or other adverse stimulus to control behavior, including but not limited to pepper on tongue, squirt of lemon juice, ammonia inhalants, or electric shock;

3. Verbal abuse, including but not limited to cursing at participants, using slurs or derogatory names, or screaming;

4. Humiliation or psychological abuse, including but not limited to keeping a participant in wet or soiled clothing or diapers, making a participant stand in front of others to be ridiculed, preventing the client from wearing clothing, making a resident wear a sign, or placing a participant in a dark or locked time-out room.

(e) A violation of this section shall be a Class I violation.

(30) Investigations

(a) The licensee and program staff must cooperate and comply with any investigation conducted by the Agency or a law enforcement agency or any other agency authorized by law. Violations of this paragraph shall constitute a Class I violation.

(b) Paragraphs (c) and (d) are only applicable in situations

where the licensee has been made aware of a verified DCF Abuse investigation.

(c) If a licensee, direct service provider, volunteer, or any other person working in the program has been identified as an alleged perpetrator in an active protective investigation of abuse, neglect, or exploitation of a vulnerable adult under Chapter 415, F.S., or abuse, abandonment, or neglect of a child under part II of Chapter 39, F.S., and the protective services investigator has reasonable suspicion that the abuse, neglect, exploitation, or abandonment has occurred, the alleged perpetrator shall be prohibited from being alone with participants unless he or she is under the constant visual supervision of another staff member who is not under such investigation. Violations of this paragraphs shall constitute a Class II violation.

(d) If the protective investigation concludes with a verified finding of abuse, neglect, exploitation, or abandonment against the alleged perpetrator, the perpetrator shall be prohibited from being alone with participants unless he or she is under the constant visual supervision of another person working in the facility or program who has not, to the knowledge of the licensee, been named as the alleged perpetrator in an ongoing protective investigation or has a verified finding, until the Corrective Action Plan, below, is accepted. If the perpetrator remains employed by the licensee, the licensee must submit a Corrective Action Plan that contains the following documentation to the Agency within 15 days of notification of the verified finding:

1. Explanation of why the licensee is not terminating the perpetrator;
2. What disciplinary action was taken against the perpetrator;
3. Any training, including dates, that the program staff member or direct service provider received; and
4. How the licensee will protect participants from abuse, neglect, or exploitation by this perpetrator.

(e) Failure to timely create a Corrective Action Plan in (c) shall constitute a Class III violation. Failure to follow a Corrective Action Plan shall constitute a separate Class II violation.

(d) If the protective investigation concludes with no verified finding of abuse, neglect, exploitation, or abandonment against the alleged perpetrator, the licensee, direct service provider, volunteer, or other person working in the facility or program may be permitted to resume unsupervised contact with participants of the facility or program.

(31) Medication and Specialized Equipment

(a) Any program that administers medication must comply with Chapter 65G-7, F.A.C.

(b) All medications must be adequately labeled and stored in a locked location outside of participant access.

(c) Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in the abuse, exploitation or harm to a participant, the violation of this subparagraph shall constitute a Class I violation. If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation.

(32) Requirements for Personnel Policies, Procedures, and Records.

(a) All licensees with staff shall develop and maintain the following:

1. Job descriptions for paid staff;
2. Documentation of all program staff training, including a record of training dates, training content, trainers, and staff in attendance;
3. Separate personnel records for each full and part-time staff member that contain written documentation of each staff member's name, home address, phone number, job assignment, education, qualifications, experience, references, background screening, staff training participation, performance evaluations, emergency management plan training, any disciplinary action taken against the staff member, and dates of employment and termination; and
4. A weekly written schedule indicating staff coverage posted at least one week in advance. Weekly schedules of actual staff coverage shall be maintained for a six-month period.

(b) The licensee shall provide a copy of any or all items discussed in this section to the Agency upon request, within three calendar days.

(c) Violations of this subsection constitutes a Class III violation.

(33) Direct Service Provider Training Requirements.

(a) All direct service providers must comply with all training requirements and training documentation retention requirements set out in the iBudget Handbook.

(b) For those participants with behavior plans, staff must be trained in the participant's current behavioral plans before working with the participant, by a behavioral analyst or behavioral assistant.

(c) For those participants with nutrition plans, staff assisting with meals must be trained in the participant's current plan.

(d) Documentation of the training in paragraphs (b) and (c) must be maintained in the staff member's personnel record.

(e) Violations of paragraphs (a), (b), and (c) shall constitute Class II violations. Violation of paragraph (d) shall constitute a Class III violation.

(34) Sexual Activity and Physical Contact.

(a) The licensee shall develop and enforce a written policy regarding sexual activity involving participants of the program. Violations of this paragraph shall constitute a Class II violation.

If a violation of this paragraph results in, or poses a serious immediate threat of, death or serious harm to the health, safety or welfare of a resident to a participant, the violation shall constitute a Class I violation, instead. Such policy shall:

1. explicitly prohibit sexual activity between a participant and a covered person;

2. explicitly prohibit sexual activity that involves participants who are under the age of eighteen;

3. require staff to report sexual activity involving participants under the age of eighteen to Department of Children and families, and law enforcement;

4. not, in any way, abridge or restrict the civil and legal rights of persons with developmental disabilities, including those specified within section 393.13, F.S.; and

5. address appropriate physical boundaries and standards between a direct service provider and participants, including the following elements:

a. physical contact between a direct service provider and participants should be brief, age appropriate, and shall not include sexual activity.

b. a dress code for both participants and direct service providers shall be established that outlines the type of clothing that is acceptable as well as where and under what circumstances it is acceptable;

c. direct service providers and participants must respect personal space, except as may be necessary for participants who require visual supervision due to documented behavioral or medical issues;

d. a provision which permits direct service providers to assist or supervise a participant while he or she bathes, showers, or toilets, if the participant requires assistance or supervision, but staff shall never be permitted to bathe, shower, or toilet simultaneously with any participant under any circumstances;

e. guidelines concerning the level and type of supervision required for participants, with which all direct service providers shall be familiar; and

f. open communication among participants and direct service providers about events occurring in the facility in order to encourage reporting of incidents of abuse or inappropriate sexual behavior.

(b) The licensee shall provide direct service providers with training regarding the licensee's policy regarding sexual activity, involving participants prior to providing direct care services. Violation of this paragraph shall constitute a Class II violation.

(c) The following safeguards shall be implemented in any program that serves one or more sexually aggressive participants, or those who require a Safety Plan under the iBudget Handbook, Chapter 65G-2, F.A.C., or any other similar requirement:

1. All direct service providers shall review all relevant

records and complete history related to sexually aggressive participants in order to prevent the occurrence of sexual abuse incidents. When available to the licensee, such information provided to staff must include, but is not limited to, the date of the sexual abuse incident, type of abuse, brief narrative outlining the event, type of treatment the resident received, all remedial measures taken, and the outcome of the treatment. If the participant is currently in treatment, the licensee shall maintain contact information for the treatment provider;

2. Prior to attendance, an individualized Safety Plan shall be developed by a team to assess the risks of serving the sexually aggressive participant and determine the level of support and supervision required. The team shall include the prospective participant's support coordinator, facility operator, behavior analyst, the prospective resident and his or her legal representative, day program manager, companion, job coach, mental health counselor/psychologist, and school representative, as applicable. The staff shall be trained on safety plans before working with sexually aggressive individuals.

3. The prospective participant, if legally competent, or his or her legal representative must sign and agree to the Safety Plan. The Safety Plan shall be reviewed and updated as needed, at least once a year.

4. A sexually aggressive participant shall be provided visual supervision at all times the participant is awake in the program;

5. Known sexually aggressive participants shall never be left alone with other participants.

6. Only one participant may use the bathroom at any time that the bathroom door is closed; and,

7. Participants who are minors are not permitted to possess obscene materials as defined in section 847.001, F.S., on the premises.

8. If a violation of this section causes or poses an immediate threat of death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

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

Rulemaking Authority, 393.067, 393.0673, 393.501 FS. Law Implemented 393.067, 393.0673, 393.13 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynne Daw

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Taylor Hatch

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 26, 2024, Vol. 50 No. 167

Section III
Notice of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.09441 Requirements for Programs and Courses that
are Funded Through the Florida Education
Finance Program and for Which the Student
May Earn Credit Toward High School
Graduation

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 50
No. 172, September 3, 2024 Florida Administrative Register
has been continued from 9/25/2024 to 10/16/2024.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.053 District Comprehensive Evidence-Based
Reading Plan

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 50
No. 168, August 27, 2024 Florida Administrative Register has
been continued from 9/25/2024 to 10/16/2024.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0530 Summer Bridge Program

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 50
No. 171, August 30, 2024 Florida Administrative Register has
been continued from 9/25/2024 to 10/16/2024.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0530 Summer Bridge Program

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 50
No. 171, August 30, 2024 Florida Administrative Register has
been continued from 9/25/2024 to 10/16/2024.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0533 Determining a Substantial Deficiency in
Early Mathematics Skills and Substantial
Deficiency in Mathematics

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 50
No. 172, September 3, 2024 Florida Administrative Register
has been continued from 9/25/2024 to 10/16/2024.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES

Division of Driver Licenses

RULE NO.: RULE TITLE:

15A-10.002 Definitions

NOTICE IS HEREBY GIVEN that on September 13, 2024, the
Department of Highway Safety and Motor Vehicles, received a
petition for waiver of or variance from subsection 15A-
10.002(33), Fla. Admin. Code, which requires that a DUI
program's business offices remain accessible Monday through
Friday, during regular business hours, 9:00 a.m. – 4:00 p.m. The
DUI program filing the petition, Traffic Safety Institute at State
College of Florida, Manatee-Sarasota, requests a waiver or
variance to open its business offices during evening hours. Any
interested person or other agency may submit written comments
on the petition within 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained
by contacting: Kathy Jimenez-Morales, Chief Counsel, Driver
Licenses, Office of General Counsel, 2900 Apalachee Pkwy,
Rm A-432, MS 02, Tallahassee, FL 32399,
kathyjimenez@flhsmv.gov, (850)617-3101.

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 September 10, 2024 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 Artigiani
USA Inc. located in Coral Springs. The above referenced
F.A.C. addresses the requirement that each establishment have
an approved plumbing system installed to transport potable
water and wastewater. They are requesting to utilize holding

tanks to provide potable water and to collect wastewater at the handwash and 3-compartment sinks.

The Petition for this variance was published in Vol. 50/178 on September 11, 2024. The Order for this Petition was signed and approved on September 23, 2024. 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 and 3-compartment sinks 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: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On September 6, 2024 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 Polar Shake Cordova 05 LLC. located in Pensacola. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and 3-compartment sinks.

The Petition for this variance was published in Vol. 50/176 on September 9, 2024. The Order for this Petition was signed and approved on September 23, 2024. 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 and 3-compartment sinks 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: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants , 2601 Blair Stone Road , Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On August 29, 2024 the 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 Serving Lunch. 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 Petition for this variance was published in Vol. 50/171 on August 30, 2024. The Order for this Petition was signed and approved on September 23, 2024. 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 that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer’s specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

The Board of Cosmetology hereby gives notice: that on September 11, 2024, an Order was filed on the Petition for Variance or Waiver. The Petition was filed by Chanmaly Matchittom, Petitioner. The Petitioner sought a variance or waiver from Rule 61G5-29.011, Florida Administrative Code, regarding an Endorsement of Specialty Registration. Petitioner sought a permanent variance or waiver to obtain a Nail Specialist/Manicurist license in the state of Florida without submitting a certificate of completion from Ohio State Board of Cosmetology.

The Notice of Petition for Variance or Waiver was published in Vol. 50, No. 127, on June 28, 2024, in the Florida Administrative Register. The Board, at its duly noticed meeting held on July 16, 2024, granted the Petition for Variance or Waiver, finding that with the documentation supplied by Petitioner, the Petitioner has achieved the purpose of the underlying statute, that is, competition of the required training course. The Board further finds that application of the rule to the specific facts and circumstances outlined by Petitioner would impose a substantial hardship on Petitioner, and would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, Krista.Woodard@myfloridalicense.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

The Board of Cosmetology hereby gives notice: that on September 11, 2024, an Order was filed on the Petition for Variance or Waiver. The Petition was filed by Huong Thi Tran, Petitioner. The Petitioner sought a variance or waiver from Rule 61G5-29.011, Florida Administrative Code, regarding an Endorsement of Specialty Registration. Petitioner sought a permanent variance or waiver to obtain a Nail Specialist/Manicurist license in the state of Florida without submitting a certificate of completion from Indiana Board of Education.

The Notice of Petition for Variance or Waiver was published in Vol. 50, No. 109, on June 4, 2024, in the Florida Administrative Register. The Board, at its duly noticed meeting held on July 16, 2024, granted the Petition for Variance or Waiver, finding that with the documentation supplied by Petitioner, the

Petitioner has achieved the purpose of the underlying statute, that is, competition of the required training course. The Board further finds that application of the rule to the specific facts and circumstances outlined by Petitioner would impose a substantial hardship on Petitioner, and would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783, Krista.Woodard@myfloridalicense.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-4.003: Continuing Education

NOTICE IS HEREBY GIVEN that on September 09, 2024, the Florida Real Estate Appraisal Board, received a petition for variance or waiver filed by Brandon Selfors, seeking a variance or waiver of subsection 61J1-4.003(1), Florida Administrative Code, which provides, in relevant part, that a registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 6 months.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison McDonald, Executive Director, Florida Real Estate Appraisal Board, 400 West Robinson Street, #N801, Orlando, FL 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: RULE TITLE:

2-4.001 Nicotine Dispensing Device Directory.

The Department of Legal Affairs announces a workshop to which all persons are invited.

DATE AND TIME: CANCELLED Friday, September 27, 2024, 9:00 a.m. - 12:00 noon, EDT, Rule Workshop

PLACE: The Rule Workshop has been CANCELLED due to inclement weather.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop CANCELLED

A copy of the agenda may be obtained by contacting: Edward Tellechea, Chief Assistant Attorney General, PL-01 The

Capitol, Tallahassee, Florida 32399-1050, by email at Ed.Tellechea@myfloridalegal.com; or Nicholas Weilhammer, Associate Deputy Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050 or by email at Nicholas.Weilhammer@myfloridalegal.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

The Florida Department of Agriculture and Consumer Services, Division of Animal Industry announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELLED: September 26, 2024, 1:00 p.m.

PLACE: The Florida Breeders and Owners Association, 801 SW 60th Ave., Ocala FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLATION of the Animal Industry Working Group meeting due to the approaching tropical weather.

A copy of the agenda may be obtained by contacting: Marti Miller, Martha.Miller@FDACS.gov, 407 South Calhoun Street, Tallahassee, FL 32399, (850)410-0951

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: Marti Miller, Martha.Miller@FDACS.gov, 407 South Calhoun Street, Tallahassee, FL 32399, (850)410-0951 (850)410-0951. 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: Marti Miller, Martha.Miller@FDACS.gov, 407 South Calhoun Street, Tallahassee, FL 32399, (850)410-0951

DEPARTMENT OF EDUCATION

State Board of Education

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

DATE AND TIME: September 25, 2024, 9:00 a.m.

PLACE: Conference call: 1(800)207-0148, Confirmation Code: 879107. This meeting will also be webcast at <https://thefloridachannel.org>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting was originally noticed on 9/18/2024, Vol. 50/183 with a location of St. Johns River State College, 2990 College Drive, Building J, Room J-149, St. Augustine, Florida 32084 but due to the impending weather it will now be held virtually.

A copy of the agenda may be obtained by contacting: The Department's website at <http://www.fldoe.org/policy/state-board-of-edu/meetings>.

For more information, you may contact: Chris Emerson at (850)245-9601 or Christian.Emerson@fldoe.org.

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: Wednesday, October 9, 2024, 10:00 a.m. - 12:00 noon

PLACE: Hybrid meeting - Microsoft Teams Meeting; You may attend in-person at FDOT's Burns Building Executive Conference Room (605 Suwannee Street; Tallahassee, FL 32399)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Resilient Infrastructure Focus Group - To participate please register at the link below:

<https://www.floridaftp.com/focusgroupssurvey>

TEAMS Link information:

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 238 044 265 643

Passcode: ekKJZ3

Dial in by phone

+1(850)739-5589,,570594650# United States, Tallahassee

A copy of the agenda may be obtained by contacting: Tony.Frye@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: Tony.Frye@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: Tony.Frye@dot.state.fl.us.

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: CANCELLED September 26, 2024, 2:30 p.m. cancelled due to weather

PLACE: Venice Community Center

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED _ FTP Regional Workshop has been cancelled in Venice, Florida for September 26, 2024 due to weather and State of Emergency issued for 40 plus counties in the State.

A copy of the agenda may be obtained by contacting: n/a 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 days before the workshop/meeting by contacting: n/a. 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: Paula San Gregorio (850)414-4811

DEPARTMENT OF TRANSPORTATION
 The (CANCELLED) Florida Department of Transportation announces a public meeting to which all persons are invited.
DATE AND TIME: CANCELLED September 25, 2024, 2:00 p.m. - 4:00 p.m., EDT
PLACE: CANCELLED MIDFLORIDA Event Center, 9221 SE Event Center Place, Port St. Lucie, FL 34952
GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Plan Regional Workshop has been cancelled due to tropical weather emergency
 A copy of the agenda may be obtained by contacting: n/a
 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 days before the workshop/meeting by contacting: n/a. 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: Paula San Gregorio (850)414-4811

DEPARTMENT OF TRANSPORTATION
 The Florida Department of Transportation (CHANGED) announces a public meeting to which all persons are invited.
DATE AND TIME: September 25, 2024, 1:00 p.m.
PLACE: CHANGED Virtual only, please see FAC notice 28700668 for original meeting information
GENERAL SUBJECT MATTER TO BE CONSIDERED: Microsoft Teams Need help?
 Join the meeting now
 Meeting ID: 235 825 399 200
 Passcode: cGJSvG
 Dial in by phone
 +1(850)739-5589,,353072952# United States, Tallahassee
 Find a local number
 Phone conference ID: 353 072 952#
 A copy of the agenda may be obtained by contacting: Email: Rebecca.Marsey@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 days before the workshop/meeting by contacting: n/a. 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: Email: Rebecca.Marsey@dot.state.fl.us

DEPARTMENT OF TRANSPORTATION
 The Florida Department of Transportation, District Seven announces a hearing to which all persons are invited.
DATE AND TIME: POSTPONED for Thursday, September 26, 2024, 5:30 p.m. – 7:30 p.m. due to Tropical Storm Helene
PLACE: Meeting POSTPONED due to Tropical Storm Helene
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Public Hearing has been Postponed due to Tropical Storm Helene.
 The Florida Department of Transportation (FDOT) District Seven, in cooperation with Hillsborough County, will reschedule the public hearing for the McIntosh Road and Branch Forbes Road Project Development and Environment Studies. A new date will be announced soon.
 All required notifications for the rescheduled public hearing will be done pursuant to state and federal regulations.
 Information will also be available at either project website:
www.fdotd7studies.com/projects/mcintosh-rd-us92-to-i4/public-involvement/public-meetings/ or
www.fdotd7studies.com/projects/branch-forbes-road-us92-to-i4/public-involvement/public-meetings/.
 Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.
 The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and FDOT.
 A copy of the agenda may be obtained by contacting: n/a
 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 Seven days before the workshop/meeting by contacting: Roger Roscoe, District Seven Title VI Coordinator, at (813)975-6411 or by email at Roger.Roscoe@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: Craig Fox, P.E., Project Manager, at (813)975-6082, email at Craig.Fox@dot.state.fl.us, or visit the project website.

FLORIDA COMMISSION ON OFFENDER REVIEW

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

DATE AND TIME: Thursday, September 26, 2024, 10:00 a.m.
CANCELED due to Hurricane Helene. Meeting to be scheduled for a later date.

PLACE: The Florida Commission on Offender Review, Room B101, 4070 Esplanade Way, Tallahassee, Florida 32399-2450. The meeting will also be held via conference call. To participate in the meeting, call United States (Toll Free): 1(877)309-2073 and dial access code 337-350-165. For questions and correspondence from inmate supporters, please email inmatessupporter@fcor.state.fl.us. For questions and correspondence regarding victims' rights, please email victimquestions@fcor.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled Commission Business Meeting.

A copy of the agenda may be obtained by contacting: Twanya Keaton, Office of Commissioner Richard D. Davison, (850)488-0476, TwanyaKeaton@fcor.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 5 days before the workshop/meeting by contacting: Twanya Keaton, Office of Commissioner Richard D. Davison, (850)488-0476, TwanyaKeaton@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).

REGIONAL PLANNING COUNCILS

Apalachee Regional Planning Council

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

DATE AND TIME: Thursday October 3, 2024, 1:30 p.m., CDT/2:30 p.m., EDT

PLACE: Calhoun County Senior Citizens Association Center, 16859 Cayson St., Blountstown, FL 32424

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the TAC. The agenda will be posted on the RRTP website a week in advance. <https://www.arpc.org/regional-rural-transportation-plan>

A copy of the agenda may be obtained by contacting: Mary O'Brien, Regional Transportation Planning Manager at Apalachee Regional Planning Council, at (850)312-3708 or by email at MOBrien@arpc.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 48 hours before the workshop/meeting by contacting: Mary O'Brien at the contact information listed

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

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

DATE AND TIME: Tuesday, October 8, 2024, 10:00 a.m., Governing Board meeting

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177

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

NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention Heather Barnes, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4239, or by visiting the District's website at sjrwm.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Civil Rights Coordinator at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The Central Florida Water Initiative (CFWI) Regional Water Supply Plan (RWSP) Work Group announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 14, 2024, 1:00p.m.

PLACE: The meeting will be held via webinar and conducted through Zoom. Zoom is a free online meeting tool. Register for the meeting by going to the link below:

ZOOM	REGISTRATION	LINK:
https://sfwmd.link/3MyCBUc		

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CFWI is a collaborative effort among government agencies formed to address water resource issues in the area known as the Central Florida Water Initiative Planning Area. Pursuant to section 373.709(1), Florida Statutes, the Steering Committee and Public Meeting is intended to communicate the draft results of the 2025 CFWI RWSP. Members of the public and stakeholders are invited to participate and provide public

comment. Additional information about this effort may be found at <https://cfwiwater.com>. NOTE: One or more Governing Board members from each of the three districts named below may attend the meeting.

A copy of the agenda may be obtained by contacting: <https://cfwiwater.com/meetings/> within seven days of the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: St. Johns River Water Management District (SJRWMD), Callie Register, (321)473-1328. 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: Callie Register, Regional Water Supply Planning Coordinator, SJRWMD, P.O. Box 1429, Palatka, FL 32178-1429, (321)473-1328, cregister@sjrwmd.com; Kris Esterson, Lead Scientist, South Florida Water Management District, 7345 Greenbriar Pkwy, Orlando, FL 32819, (407)858-6100, ext. 3822, kesterso@sfwmd.gov; or Joseph Quinn, Water Supply Project Manager, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, joe.quinn@swfwmd.state.fl.us.

WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: Thursday, October 24, 2024, 6:00 p.m. – 8:00 p.m.

PLACE: St. Johns River Water Management District, Apopka Service Center, 2501 S. Binion Road, Apopka, FL 32703

GENERAL SUBJECT MATTER TO BE CONSIDERED: Combined Lake Apopka North Shore draft ten-year Land Management Plan public comment and Recreational Public Meeting. Public meeting to discuss and receive public comment regarding the draft ten-year Land Management Plan for the St. Johns River Water Management District's (District) Lake Apopka North Shore and recreational use of this management area. Use contact information provided below to request a copy of the proposed Land Management Plan and/or meeting agenda. Comments may be presented orally or in writing at the meeting. Written comments may also be submitted via mail or electronic mail using the contact information provided below. Comments should be mailed to arrive at the District prior to the date of the public meeting.

Note: One or more members of the District's Governing Board may attend the scheduled Public Meeting.

A copy of the agenda may be obtained by contacting: Brent Bachelder, Land Resource Specialist, P.O. Box 1429, Palatka, FL, 32178-1429, email: bbachelder@sjrwmd.com, phone: (386)643-1973

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

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

For more information, you may contact: Brent Bachelder, bbachelder@sjrwmd.com or (386)643-1973.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE NO.: RULE TITLE:
59G-4.215 Personal Care Services

The Agency for Health Care Administration announces a hearing to which all persons are invited.

DATE AND TIME: October 7, 2024, 3:30 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Due to Tropical Storm Helene, the Agency is rescheduling the original September 27, 2024, hearing published in Vol. 50/174 on September 5, 2024, for the purpose of discussing Florida Medicaid Personal Care Services.

A copy of the agenda may be obtained by contacting: MedicaidRuleComments@ahca.myflorida.com. Please note that a preliminary draft of the reference material, if available, will be posted prior to the hearing at

<http://ahca.myflorida.com/medicaid/review/Rules.shtml>.

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: MedicaidRuleComments@ahca.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).

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2024, 11:00 a.m. – 12:00 noon
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Due to Tropical Storm Helene, the Agency is rescheduling the original September 26, 2024, public meeting published in Vol. 50/182 on September 17, 2024, for the purpose of discussing the amendment of the Managed Medical Assistance (MMA) Demonstration. The Agency provides this notice in accordance with federal requirements to inform the public that we are providing a 30-day public comment period on the proposed new demonstration starting on September 17, 2024. The draft application proposal and more detailed information for submitting public comments is available at:

<https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers/federal-authorities-mma-cms-approval-and-reports-2020-22>. Hard copies of the application may be obtained by contacting Meagan Owens at (850)412-4232 or by email, Meagan.Owens@ahca.myflorida.com.

A copy of the agenda may be obtained by contacting: Meagan.Owens.@ahca.myflorida.com.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: October 7, 2024, 2:00 p.m., EDT

PLACE: Jefferson County R.J. Bailar Public Library, 375 S Water St., Monticello, FL 32344

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of interested stakeholders to discuss the Wacissa River and Wacissa Spring Group (BMAP). The BMAP is the means for implementation of the adopted Total Maximum Daily Load (TMDL). The primary purpose of this meeting is to provide information on the upcoming BMAP updates, including topics on responsible entity requirements and BMAP update next steps.

A copy of the agenda may be obtained by contacting: Sam Hankinson at Samuel.Hankinson@FloridaDEP.gov.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations

under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least forty-eight (48) hours before the meeting. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

DEPARTMENT OF HEALTH

Board of Medicine

The Florida Board of Medicine's Credentials Committee announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELED Thursday, September 26, 2024, 8:00 a.m., EDT

PLACE: CANCELED Marriott Fort Lauderdale Airport at Dania Beach, 166 N. Compass Way, Dania Beach, FL 33004. Hotel Phone is (954)802-7543. Hotel website is Marriott Fort Lauderdale Airport (Official Site) - Modern FLL Hotel.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board's website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: the Board at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

The Florida Board of Medicine's Rules/Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELED Thursday, September 26, 2024, 3:00 p.m., EDT, or soon thereafter.

PLACE: CANCELED The Marriott Fort Lauderdale Airport at Dania Beach, 166 N. Compass Way, Dania Beach, FL 33004. The hotel's phone number is (954)802-7543. The hotel's website is Marriott Fort Lauderdale Airport (Official Site) - Modern FLL Hotel.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board's website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

A copy of the agenda may be obtained by contacting: the Board of Medicine at <https://flboardofmedicine.gov/meeting-information>.

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: by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131. 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: by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

The Florida Board of Medicine's Surgical Care/Quality Assurance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELLED Thursday, September 26, 2024, 1:00 p.m., EDT, or soon thereafter.

PLACE: CANCELLED Marriott Fort Lauderdale Airport at Dania Beach, 166 N. Compass Way, Fort Lauderdale, FL 33004. The hotel's phone number is (954)802-7543. The hotel's website is Marriott Fort Lauderdale Airport (Official Site) - Modern FLL Hotel.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board's website at <https://flboardofmedicine.gov/meeting-information> for

cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

A copy of the agenda may be obtained by contacting: the Board of Medicine at <https://flboardofmedicine.gov/meeting-information>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: the Board by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

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

DATE AND TIME: CANCELLED Friday, September 27, 2024, 8:00 a.m., EDT, or soon thereafter.

PLACE: CANCELLED Marriott Fort Lauderdale Airport at Dania Beach, 166 N. Compass Way, Dania Beach, FL 33004. Hotel Phone is (954)802-7543. Hotel website is Marriott Fort Lauderdale Airport (Official Site) - Modern FLL Hotel.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED General business of the Board. Please check the Board's website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing,

he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
 For more information, you may contact: the Board by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2024, 9:00 a.m.

PLACE: Children's Board, 1002 E Palm Ave, Tampa, FL 33605 for an in-person only meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Hillsborough Community Alliance business.

A copy of the agenda may be obtained by contacting: Justin Wilkins at communityalliance@cbhcf.fl.gov or (813)204-1762

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: Justin Wilkins at communityalliance@cbhcf.fl.gov or (813)204-1762. 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: Justin Wilkins at communityalliance@cbhcf.fl.gov or (813)204-1762

DEPARTMENT OF CHILDREN AND FAMILIES

Critical Incident Rapid Response Team

The Department of Children and Families - Office of Quality and Innovation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 3, 2024; 9:00 a.m. - 12:00 noon

PLACE: Via Microsoft Teams meeting

Join on your computer, mobile app or room device

Click here to join the meeting

Meeting ID: 264 205 401 980

Passcode: 7RcTVB

Download Teams | Join on the web

Join with a video conferencing device

929981474@t.plcm.vc

Video Conference ID: 112 423 402 1

Alternate VTC instructions

GENERAL SUBJECT MATTER TO BE CONSIDERED: CIRRT Advisory Committee Meeting

A copy of the agenda may be obtained by contacting: Lisa Rivera at Lisa.Rivera@myflfamilies.com or (850)294-4765

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: Lisa Rivera at Lisa.Rivera@myflfamilies.com or (850)294-4765. 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 Rivera at Lisa.Rivera@myflfamilies.com or (850)294-4765

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: THIS MEETING HAS BEEN CANCELLED. Wednesday, September 25, 2024, 10:00 a.m. - 3:00 p.m., EST.

PLACE: Florida Farm Bureau Federation Building, 5700 SW 34th Street, Gainesville, FL.32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: **THIS MEETING HAS BEEN CANCELLED.

The Florida Fish and Wildlife Conservation Commission (FWC) will be meeting with the Trapping Rule Technical Assistance Group (TAG).The purpose of this meeting is for the FWC and TAG members to directly interact with each other about potential changes to trapping regulations; therefore, comments and questions from the public who are in attendance will only be allowed in the event there is additional time on the agenda.

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

For more information, you may contact: Hal Beardall or Rafael Montalvo, FCRC Consensus Center, Florida State University (850)294-1050.

DEPARTMENT OF FINANCIAL SERVICES

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

DATE AND TIME: CANCELLED Wednesday, September 25, 2024, 2:00 p.m. – 5:00 p.m., Eastern Time

PLACE: CANCELLED Department of Children and Families

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee meeting has been canceled.

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

DEPARTMENT OF FINANCIAL SERVICES

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

DATE AND TIME: Tuesday, October 8, 2:00 p.m. – 5:00 p.m., Eastern Daylight Time

PLACE: Department of Revenue, 2450 Shumard Oak Blvd. Room 1250, Tallahassee, FL 32311.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee will meet to discuss the status of the Florida PALM Project. See agenda for meeting details.

A copy of the agenda may be obtained by contacting: the Florida PALM Project website <https://myfloridacfo.com/floridapalm/oversight>. A portion of this meeting may be shaded.

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: Jenifer Hartsfield at (850)410-9025 or FloridaPALM@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: or would like to submit public comment regarding the Florida PALM Executive Steering Committee, please email FloridaPALM@myfloridacfo.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: RULE TITLE:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual

The Department of Financial Services announces a workshop to which all persons are invited.

DATE AND TIME: September 30, 2024, 10:00 a.m. - 11:00 a.m.

PLACE: By GoToMeeting: Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/626020717>

You can also dial in using your phone. United States (Toll Free): 1(866)899-4679, United States: (571)317-3116, Access Code: 626-020-717

Join from a video-conferencing room or system. Dial in or type: 67.217.95.2 or inroomlink.goto.com, Meeting ID: 626 020 717 or dial directly: 626020717@67.217.95.2 or 67.217.95.2##626020717.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice reschedules the currently scheduled workshop on September 27, 2024, due to Hurricane Helene. The new hearing will be held the following Monday, September 30, 2024, and all

contact and dial-in information previously posted remains the same.

A copy of the agenda may be obtained by contacting: Charlene Miller at (850)413-1738, Charlene.Miller@myfloridacfo.com.

FLORIDA GAMING CONTROL COMMISSION

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

DATE AND TIME: ****CANCELED****

The public meeting scheduled for September 26, 2024, at 10:30 a.m., published in the Florida Administrative Register on September 19, 2024, in volume 50/187, is canceled.

PLACE: N/A

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting is canceled in advance of possible hurricane and preparedness efforts.

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

For more information, you may contact: Dixie Parker at dixie.parker@flgaming.gov.

FLORIDA GAMING CONTROL COMMISSION

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

DATE AND TIME: Wednesday, October 2, 2024, 9:30 a.m.

PLACE: The Joseph P. Cresse Hearing Room 148 in the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting to discuss general business of the commission.

The public meeting agenda, related documents, and Florida Gaming Control Commission contact information are available by contacting Dixie Parker at Dixie.Parker@flgaming.gov or (850)880-3433.

If any person decides to appeal any decision made by the commission 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.

If you want to make public comment at this meeting, please contact Dixie Parker no less than 24 hours before the start of the meeting at Dixie.Parker@flgaming.gov.

A copy of the agenda may be obtained by contacting: Dixie Parker at dixie.parker@flgaming.gov.

SUNSHINE STATE ONE CALL OF FLORIDA

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

DATE AND TIME: Thursday, October 24, 2024, 12:00 Noon – 1:30 p.m.

PLACE: This meeting will be held in-person and virtually.

In Person – registration required due to limited space

Central Florida Regional Damage Prevention Council, 11 Plantation Rd., DeBary, FL 32713

Register to attend in person here: <https://app.coursettra.com/4iq/publicseminar/cfdpc20241024>

Virtual

Register to attend virtually here: <https://attendee.gotowebinar.com/register/1714529396184090712>

After registering, you will receive a confirmation email containing information about joining the webinar.

Brought to you by GoTo Webinar® Webinars Made Easy®

GENERAL SUBJECT MATTER TO BE CONSIDERED: Brief update from Sunshine 811, issues within the 811-system brought forth by attendees for discussion and collaboration.

A copy of the agenda may be obtained by contacting: Agenda: Introductions, Sunshine 811 Update, Open Discussion of one-call system and Sunshine 811 issues, Closing Statements

For more information, you may contact: Elliot Patterson, Safety Education Liaison, at Elliot.patterson@sunshine811.com

OFFICE OF THE STATE COURTS ADMINISTRATOR

The Office of the State Courts Administrator announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 14, 2024, 2:00 p.m.

PLACE: Zoom webinar. To register for the hearing, click or copy the following address into a browser: https://zoom.us/webinar/register/WN_EvVPI-MMSACV0oHmfOIDBQ. A unique webinar link will be auto generated and emailed after registration.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of the State Courts Administrator will present an overview of the Florida Judicial Branch FY 2025-26 Legislative Budget Request.

A copy of the agenda may be obtained by contacting: N/A 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: Vanessa Burrous by phone at (850)617-4011 or email at burrousv@flcourts.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Vanessa Burrous by phone at (850)617-4011 or email at burrousv@flcourts.org

AMERICAN GUARANTY FUND GROUP, INC
The American Guaranty Fund Group, Inc. announces a public meeting to which all persons are invited.
DATE AND TIME: October 2, 2024, 8:30 a.m.

PLACE: Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to discuss and interview for the President and Executive Director Position. The agenda will include but not limited to Interview process discussion. *** Please note time change to 8:30 a.m.***

A copy of the agenda may be obtained by contacting: Susan Ferguson (850)386-9200

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: Susan Ferguson (850)386-9200. 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: Susan Ferguson (850)386-9200

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

Florida State University

FSU Energy Independence Facility

NOTICE TO CONSTRUCTION MANAGERS

Florida State University (FSU) announces that Services for the Construction Management Services will be required for the project listed below:

RFQ NUMBER: 6667-J (FSU Procurement Portal)

PROJECT NAME AND LOCATION: FSU Energy Independence Facility

PROJECT DESCRIPTION: The Florida State University Energy Independence project is a new facility on the southwest campus of the Florida State University. The facility will be research focused.

The facility is going to be located on the southwest campus and consists of the following programs:

- Control room
- Test lab
- Infrastructure and site work

The delivery method for this Project will be Construction Manager at risk with a Guaranteed Maximum Price.

The successful CM will be required to work cooperatively and collaboratively with the Design Professional and other consultants of the Owner during the course of construction. In addition, CM will be responsible for methods of construction, safety, and the scheduling and coordination of the work of all construction and miscellaneous contracts required for completion of the project within its predetermined budget and schedule.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must

warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant more than \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

PROJECT SOLE POINT OF CONTACT for the RFQ will be: Mitchell Jermyn, Interim Sr. Strategic Category Manager for Construction, Florida State University, Office: (850)644-9730, mjermyn@fsu.edu

Respondents to this RFQ or persons acting on their behalf SHALL NOT contact any employee or officer of FSU, Board of Trustees, or a University Direct Support Organization concerning any aspect of this RFQ, except in writing to the Sole Point of Contact or Chief Procurement Officer or as provided in this RFQ document, from the date of release of this RFQ through the end of the 72-hour period following FSU's posting of the notice of intended award, in accordance with Board of Governors (BOG) Regulation 18.002. Violation of this provision may be grounds for rejecting a proposal response.

INSTRUCTIONS:

Firms desiring to provide construction management services shall utilize the online electronic sourcing portal to submit the required information for which they are applying. Firms shall complete the Florida State University's RFQ questions and provide a copy of the applicant's current Professional Registration Certificate from the appropriate governing board via the online electronic sourcing portal as described below. Documents must be uploaded to the portal and are not to exceed 40 pages. Submittals that do not comply with these requirements or do not include the requested data will not be considered. Submissions must be uploaded by 3:00 p.m., EST, on TBD, 2024.

All applicants must be properly licensed and registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

The University reserves the right to suspend or discontinue the selection process at any time and return or reject any or all submissions of proposals without obligation to the respondent. The plans and specifications for campus service projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

SELECTION SCHEDULE:

The anticipated schedule for selection, award and negotiation is as follows:

Question & Answer Submission no later than 5:00 p.m., EST
October 4, 2024

Site Visit at 9:00 a.m. at 2010 Levy Avenue, Tallahassee, FL, 32310

(Optional) October 7, 2024

Response to Questions and Answers October 11, 2024

Submittals Due no later than 3 pm EST October 18, 2024

(Any submittal not completed by 2:59 p.m., EST will be rejected)

Final Interviews (estimated) Week of October 28, 2024

Selection Recommendation Approval TBD

Contract Negotiation TBD

Unless otherwise revised by a subsequent addendum to this RFQ, the dates and times by which stated actions should be taken or completed are listed above. If FSU determines, in its sole discretion, that it is necessary to change any of these dates and times, it will issue an Addendum to the RFQ. All times listed are Eastern Standard Time (EST). It is the Respondent’s responsibility to check FSU’s Public Procurement Portal for any updates or addendums to this RFQ.

******PLEASE CAREFULLY NOTE NEW SUBMITTAL INFORMATION******

FSU utilizes an online electronic sourcing portal for accepting professional qualifications submittals and Architect Qualifications Supplement digitally. We do not accept hard copy submissions or submissions through other medium other than

through <https://bids.sciquest.com/apps/Router/PublicEvent?CustomerOrg=FSU>

Your submission must be uploaded prior to the as indicated above. Note: We strongly recommend that you give yourself sufficient time and at least ONE (1) hour before the Closing date/time to begin the uploading process and to finalize your submission. Late submissions due to electronic uploading delays will not be considered.

- Each item of requested information is instantly sealed (no one from FSU can review) and will only be visible after the closing date/time. You may edit your submission as needed up to the closing date/time.
- Responders may elect to utilize the import/export feature to export questions into Excel in order to work on responses offline and import into the system upon completion.
- Keep in mind that when answering questions in the provided text box within the system (if applicable) there is a limit to the number of characters you can use in your response. The dynamic character limit counter at the bottom of each text box will display the remaining characters available.

- Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed. The maximum upload file size is 50 MB.
 - Please do not embed any documents within your uploaded files, as they will not be accessible or evaluated.
 - Information submitted that is not requested by FSU or in the specific format requested will be considered to be supplemental and not subject to evaluation.
 - All sourcing event-related communications between vendors and FSU is managed and tracked through a Question-and-Answer Board within the RFQ event on the Public Procurement Portal. Any issues or questions related to logging in or technical issues, including attachments, can be submitted to our third-party software host, Jaggaer via a Support form: <https://www.jaggaer.com/service-support/supplier-support/> or by calling (800)233-1121.
- Applications that do not comply with the above instructions will not be considered. Application material will not be returned.

DEPARTMENT OF EDUCATION

University of West Florida

24PQS-03MDV – New On-Campus Football Stadium and New Resident Hall Design Professional – Architectural and Engineering Services.

The University of West Florida Board of Trustees invites qualified firms to respond to a formal solicitation for professional qualifications to provide comprehensive professional design services for the design and construction of both an expandable new On-Campus Football Stadium and a new Residence Hall. Design Services are anticipated to include Programming, Schematic/Preliminary Design, Design Development, Cost Analysis, Construction Documents and Construction Administration for each facility, all in conformance with the UWF Building Design and Construction Standards, on the main campus in Pensacola, Florida.

Solicitation documents, and all related information, may be downloaded from BidNet Direct at www.bidnetdirect.com/florida/university-of-west-florida.

An authorized representative of the firm interested in submitting a response to this solicitation must attend the MANDATORY PRE-SUBMITTAL MEETING on Tuesday, October 15, 2024 in UWF Building 92, Room 110 at 9:00AM CT on the University Main Campus, 11000 University Parkway, Pensacola, Florida. Failure to attend the Pre-Submittal Meeting and sign in on the UWF official log as documented proof of attendance, shall result in immediate disqualification from this competitive solicitation process.

A link to the UWF Map indicating the location of UWF Building 92 can be found at the following link: <https://map.uwf.edu/?id=1250#!ct/41018,33038?m/3622>

Submittals will be received through BidNet Direct until Friday, November 8, 2024 at 1:00 p.m., CT.

All inquiries should be submitted through BidNet Direct. If you have questions, need help registering, accessing, viewing or submitting your response/proposal please call the following toll-free number: 1(800)835-4603 and select Option 2 for assistance.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

Invitation to Bid BDC20-24/25 Gamble Rogers Memorial State Recreation Area at Flagler Beach – Seawall Repair

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction, is soliciting formal, competitive, sealed bids from contractors for bid number BDC20-24/25 Gamble Rogers Memorial State Recreation Area at Flagler Beach – Seawall Repair. More info @ <https://tinyurl.com/yh9v7v52>.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

Invitation to Bid BDC24-24/25 Dr. Von D. Mizell-Eula Johnson State Park – Pedestrian Bridges

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction, is soliciting formal, competitive, sealed bids from contractors for bid number BDC24-24/25 Dr. Von D. Mizell-Eula Johnson State Park – Pedestrian Bridges. More info @ <https://tinyurl.com/2w3auz42>.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

Invitation to Bid BDC19-24/25 Faver-Dykes State Park–Campground Upgrades

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction, is soliciting formal, competitive, sealed bids from contractors for bid number BDC19-24/25, Faver-Dykes–Campground Upgrades. More info @ <https://tinyurl.com/m94x972y>

CITY OF NORTH PORT

Request For Bid No. 2024-28 Price Boulevard Widening-Phase I FDOT FPN 453215-1-54-01

NOTICE OF AVAILABILITY OF BID SPECIFICATIONS

RFB NO. 2024-28

PRICE BOULEVARD WIDENING – PHASE I

FDOT FPN 453215-1-54-01

The City of North Port is requesting sealed bids to secure the services of an experienced, professional, licensed, and qualified Contractor supply all labor, material, and incidentals to construct the widening of Price Boulevard to five (5) lanes from

west of Toledo Blade Boulevard to east of Sumter Boulevard for a length of approximately 2.75 miles. The project includes sidewalks, major drainage improvements, City of North Port utility relocations and improvements, installation of new mast arm traffic signals at Chamberlain Boulevard, Cranberry Boulevard, Salford Boulevard, and Citizen’s Parkway, together with other required appurtenances as described within the project specifications and plans.

This project is State-Funded Grant between the State of Florida Department of Transportation and the City of North Port. The awarded contractor and subcontractors shall comply with the grant.

MANDATORY PRE-BID MEETING RESCHEDULED: OCTOBER 2, 2024, 11:00 a.m.

4970 CITY HALL BOULEVARD, ROOM 244, (2nd Floor), NORTH PORT, FLORIDA 34286

Bidders shall attend the pre-bid meeting. Any bidder who fails to attend the pre-bid meeting will be deemed non-responsive and automatically disqualified from further consideration. The purpose of this meeting is to familiarize bidders with the project and answer questions. All bidders must be present and signed in within the first 10 minutes of the start of the Mandatory Pre-Bid Meeting. The convener of the meeting will collect the sign in sheet(s) and the meeting will “Officially” start. Anyone not signed within the first 10 minutes of start of the meeting will be considered late and will not be allowed to bid on the project. Please allow 10 to 15 minutes to sign in prior to the start of the Mandatory Pre-Bid Meeting.

BID OPENING: NOVEMBER 4, 2024, 2:00 p.m.

4970 CITY HALL BOULEVARD, ROOM 337A, NORTH PORT, FLORIDA 34286

****ALL BIDS ARE DATE AND TIME STAMPED IN THE FINANCE DEPARTMENT, SUITE 337 FIRST AND THEN ARE OPENED IN SUITE 337A****

Information regarding this project may be viewed and downloaded from Demandstar’s website at www.demandstar.com. The only place to obtain the addenda is on www.demandstar.com. Links to DemandStar are also available from the City website at www.northportfl.gov. Bid specifications, attachments/exhibits, permits and plans are posted on the City FTP site at <https://www.northportfl.gov/fileshare> (select the Purchasing Folder and scroll to Project RFB 2024-28). If you have any questions, concerns, or problems accessing the bid package using the link, please contact Alla V. Skipper, CPPB, Senior Contract Administrator at (941)429-7172. Requests for additional information or clarification regarding the specifications must be sent via email to purchasing@northportfl.gov. No verbal requests will be honored. All questions and clarifications must be submitted via e-mail by October 21, 2024.

The City of North Port does not discriminate based on race, color, national origin, sex, age, disability, family, or religious status in administration of its programs, activities, or services.

PUBLISH DATES: September 3, 2024, September

- Herald Tribune
- www.northportfl.gov & www.demandstar.com
- Small Business Administration
- Minority Business Development Agency of Department of Commerce: Miami & Orlando <https://www.mdba.gov/>
- Department of Labor – Labor Surplus Areas and Veteran Affairs <https://www.dol.gov/>
- Florida Administrative Register; Published: September 24, 2024

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., Wednesday, September 18, 2024, and 3:00 p.m., Tuesday, September 24, 2024.

Rule No.	File Date	Effective Date
12BER24-15	9/18/2024	10/1/2024
12ER24-10	9/18/2024	10/1/2024
12ER24-11	9/18/2024	10/1/2024
12ER24-12	9/18/2024	10/1/2024
12ER24-13	9/18/2024	10/1/2024
12ER24-14	9/18/2024	10/1/2024
53ER24-38	9/19/2024	9/23/2024
53ER24-39	9/19/2024	9/23/2024
53ER24-40	9/19/2024	9/23/2024
53ER24-41	9/19/2024	9/23/2024
53ER24-42	9/19/2024	9/23/2024
64B3-9.009	9/20/2024	10/10/2024
64J-2.018	9/20/2024	10/10/2024
69AER24-3	9/19/2024	9/19/2024
69V-40.002	9/20/2024	10/10/2024
69V-40.0312	9/20/2024	10/10/2024
69V-40.0313	9/20/2024	10/10/2024
69V-40.176	9/20/2024	10/10/2024

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	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

DEPARTMENT OF TRANSPORTATION

Notice of Publication of Agency Regulatory Plan

Notice is hereby given that on September 23, 2024, the Department of Transportation published its 2024-2025 Annual Regulatory Plan in accordance with Section 120.74(2), F.S. The Annual Regulatory Plan is available on the Florida Department of Transportation's website at www.fdot.gov.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of Swaggy Carts 2, LLC, line-make ROYV

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 Royal Electric Vehicles, LLC, intends to allow the establishment of Swaggy Carts 2, LLC, as a dealership for the sale of low-speed vehicles manufactured by Royal Electric Vehicles, LLC (line-make ROYV) at 5058 Hwy 90, Pace, (Santa Rosa County), Florida 32571, on or after October 25, 2024.

The name and address of the dealer operator(s) and principal investor(s) of Swaggy Carts2, LLC are dealer operator(s): Paul Konecny, 5058 Hwy 90, Pace, Florida 32571, principal investor(s): Paul Konecny, 5058 Hwy 90, Pace, Florida 32571. 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: Jason Torchia, Royal Electric Vehicles, LLC, 632 Richardson Rd SE, Calhoun, Georgia 30701.

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.

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council
Regulatory Plan

Pursuant to 120.74, Florida Statute, the 2023-2024 Northeast Florida Regulatory Plan was published on the agency's website, www.nefrc.org, on September 23, 2024.

DEPARTMENT OF THE LOTTERY

Notice of Copyright Acquisition – Florida lottery logo and mark
NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a copyright has been acquired for:

Florida lottery logo and mark (Art Reproduction)

The copyright is registered with the United States Copyright Office and was assigned Registration Number VA0000955601.

DEPARTMENT OF THE LOTTERY

Notice of Copyright Acquisition – Florida lottery playstation
NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a copyright has been acquired for:

Florida lottery playstation (Technical Drawing)

The copyright is registered with the United States Copyright Office and was assigned Registration Number VAU000734289.

DEPARTMENT OF THE LOTTERY

Notice of Copyright Acquisition – FORTUNE (Computer Program)

NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a copyright has been acquired for:

FORTUNE (Computer Program)

The copyright is registered with the United States Copyright Office and was assigned Registration Number TXU1794081 and associated number TXU001739981.

DEPARTMENT OF THE LOTTERY Notice of Copyright Acquisition – FORTUNE (Literary Work)

NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a copyright has been acquired for:

FORTUNE (Literary Work)

The copyright is registered with the United States Copyright Office and was assigned Registration Number TXU002013894.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – FANTASY 5

NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a trademark has been acquired for:

FANTASY 5

The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 2683303.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – FLORIDA LOTTERY and Design

NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a trademark has been acquired for:



The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 4420927.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – FLORIDA LOTTERY and Flamingo Design

NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a trademark has been acquired for:



The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 1542860.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – FLORIDA LOTTERY

NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10), Florida Statutes, that a trademark has been acquired for:

FLORIDA LOTTERY

The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 4153202.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – FLORIDA LOTTO
 NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10),
 Florida Statutes, that a trademark has been acquired for:

FLORIDA LOTTO

The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 4330769.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – FLORIDA LOTTOX and Design
 NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10),
 Florida Statutes, that a trademark has been acquired for:



The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 6598746.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – GROUPER
 NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10),
 Florida Statutes, that a trademark has been acquired for:

GROUPER

The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 4384050.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – JUST IMAGINE
 NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10),
 Florida Statutes, that a trademark has been acquired for:

JUST IMAGINE

The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 4502939.

DEPARTMENT OF THE LOTTERY

Notice of Trademark Acquisition – MEGA BALL
 NOTICE IS HEREBY GIVEN, pursuant to Section 24.105(10),
 Florida Statutes, that a trademark has been acquired for:

MEGA BALL

The trademark is registered with the United States Patent and Trademark Office and was assigned Registration Number 2273815.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid
 State Plan Amendment

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan. The amendment revises language related to the provision of Florida Medicaid behavior analysis services by clarifying provider requirements and excluded procedures. This amendment to the State Plan will have no federal fiscal impact. The effective date for this amendment will be October 1, 2024.

For further information, interested parties may contact Shanise Jackson, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407; telephone: (850)412-4220; or e-mail: Shanise.Jackson@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid
 State Plan Amendment

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for home health visit services. This amendment includes technical and editorial changes, deletes obsolete language, and updates the home health benefit to include Family Home Health Aide services. This service allows home health agencies to be reimbursed for Family Home Health Aide services provided by an eligible provider relative caring for a medically fragile child. This amendment will not have a federal fiscal impact.

The effective date for this amendment will be October 1, 2024. For further information, interested parties may contact: Christine Pawelczyk, Program Administrator, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407; telephone: (850)412-4239, or email: Christine.Pawelczyk@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid
 State Plan Amendment

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for private duty nursing services. This amendment includes technical and editorial changes. This amendment will not have a federal fiscal impact. The effective date for this amendment will be October 1, 2024.

For further information, interested parties may contact: Christine Pawelczyk, Program Administrator, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407; telephone: (850)412-4239, or email: Christine.Pawelczyk@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES
 Public Employees Relations Commission
 Notice of Publication of 2024-2025 Regulatory Plan
 NOTICE IS HEREBY GIVEN that on September 24, 2024, the Public Employees Relations Commission (PERC) published its 2024-2025 Regulatory Plan in accordance with Section 120.74(2), Florida Statutes. The Regulatory Plan is available at PERC's [website at https://perc.myflorida.com/annual_regulatory_plan_2024-2025.pdf](https://perc.myflorida.com/annual_regulatory_plan_2024-2025.pdf)

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Division of Hotels and Restaurants
 Cancellation of the Elevator Safety Technical Advisory Council Meeting
 The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety announces the CANCELLATION of the Elevator Safety Technical Advisory Council public meeting, which was scheduled for September 26, 2024, 9:00 a.m. - 1:00 p.m. or upon conclusion of business, whichever is earlier. Meeting was to be held at Central Florida Tourism Oversight District, Administration Building 1st Floor Boardroom, 1900 Hotel Plaza Blvd., Lake Buena Vista, FL 32830 or via conference call: 1(888)585-9008, Participant Code: 253045022#. A new notice will be published upon the scheduling of the next meeting. For more information, you may contact: dhr.elevators@myfloridalicense.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Notice of Publication of 2024-2025 Regulatory Plan
 NOTICE IS HEREBY GIVEN that on September 23, 2024, the Department of Environmental Protection, the Board of Trustees of the Internal Improvement Trust Fund, and the Florida Communities Trust published their 2024-2025 Regulatory Plans on the Department of Environmental Protection's website in accordance with Section 120.74, F.S. The Regulatory Plans and certifications are available on the Department's website at <https://floridadep.gov/ogc/ogc/content/rules>. Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 State Revolving Fund (SRF) Program
 NOTICE OF AVAILABILITY
 FLORIDA REAFFIRMATION NOTICE (FRAN)
 CITY OF MAITLAND
 DW48025
 The Florida Department of Environmental Protection (DEP) has determined that the City of Maitland's project involving Phase-2 of U.S. Highway 17-92 water distribution piping replacement is not expected to generate controversy over potential environmental effects. The Phase-2 project includes the replacement of 7,000 linear feet (LF) of 12-inch pipe, 1,850 LF of 8-inch pipe, and 1,000 LF of 4 & 6-inch pipe. The estimated cost for the project is \$6.4 million. The project may qualify for a Drinking Water SRF loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed projects that are postmarked or delivered at the address below within 30 days of this notice. A copy of the FRAN can be obtained by writing to: Greg Alfsen, DEP, 3900 Commonwealth Blvd., MS 3505, Tallahassee, Florida 32399-3000, or calling (850)245-2983 or emailing gregory.alfsen@dep.state.fl.us.

DEPARTMENT OF HEALTH
 Division of Family Health Services
 Cancellation of the Progressive Supranuclear Palsy and Other Neurodegenerative Diseases (PSPOND) Policy Committee Meeting
 Due to the impending tropical storm impact to Florida this week, the inaugural meeting for the Progressive Supranuclear Palsy and Other Neurodegenerative Diseases (PSPOND) Policy Committee, originally scheduled for September 26, 2024, has been CANCELLED, and will be rescheduled for a later date. If you have any questions, please contact Tara Hylton at (850)245-4102.

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.