

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

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

**RULE NO.:** RULE TITLE:  
64B14-4.001 Approved Examinations  
**PURPOSE AND EFFECT:** The proposed rule amendments are intended to update the rule language for approved examinations.  
**SUBJECT AREA TO BE ADDRESSED:** To update rule language.  
**RULEMAKING AUTHORITY:** 456.017(1)(c), 468.802, 468.803(4) FS.  
**LAW IMPLEMENTED:** 456.017(1)(c), 468.803(4) 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:** Janet Hartman, Executive Director, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

**RULE NO.:** RULE TITLE:  
64B14-4.110 Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthist Licensure  
**PURPOSE AND EFFECT:** The proposed rule amendments are intended to update the rule language for requirements for orthotic fitter, orthotic fitter assistant and pedorthist licensure.  
**SUBJECT AREA TO BE ADDRESSED:** To update the rule language.  
**RULEMAKING AUTHORITY:** 468.802, 468.803 FS.  
**LAW IMPLEMENTED:** 468.803 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.**  
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**THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Janet Hartman, Executive Director, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

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**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NOS.:** RULE TITLES:  
67-21.001 Purpose and Intent  
67-21.002 Definitions  
67-21.0025 Miscellaneous Criteria  
67-21.003 Application and Selection Process for Developments  
67-21.004 Federal Set-Aside Requirements for MMRB Loans  
67-21.0045 Determination of Method of Bond Sale  
67-21.006 MMRB Development Requirements  
67-21.007 MMRB Fees  
67-21.008 Terms and Conditions of MMRB Loans  
67-21.009 Interest Rate on Mortgage Loans  
67-21.010 Issuance of Revenue Bonds  
67-21.013 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds  
67-21.014 MMRB Credit Underwriting Procedures  
67-21.015 Use of Bonds with Other Affordable Housing Finance Programs  
67-21.017 Transfer of Ownership of a MMRB Development  
67-21.018 Refundings and Troubled Development Review  
67-21.019 Issuance of Bonds for Section 501(c)(3) Entities  
67-21.025 HC Fees  
67-21.026 HC Credit Underwriting Procedures  
67-21.027 HC General Program Procedures and Requirements  
67-21.028 HC with Tax-Exempt Bond-Financed Developments  
67-21.029 HC Extended Use Agreement  
67-21.030 Sale or Transfer of a Housing Credit Development  
67-21.031 Qualified Contracts

**PURPOSE AND EFFECT:** The purpose of this rule chapter is to establish the procedures by which the Corporation shall (1) determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S., and (2) administer the Application process, determine Non-Competitive Housing Credit amounts and implement the provisions of the Non-Competitive Housing

Credit process authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The rule development workshop will be held to receive comments and suggestions from interested persons relative to the development of the Non-Competitive Application and the program requirements for MMRB and Non-Competitive Housing Credits, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

**RULEMAKING AUTHORITY:** 420.507, 420.508 FS.

**LAW IMPLEMENTED:** 420.509, 420.5099 FS.

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

**DATE AND TIME:** Tuesday, February 2, 2021, 10:00 a.m., Eastern Time

**PLACE:** The workshop will be held via webinar. Information regarding the webinar is posted on the Florida Housing website <https://www.floridahousing.org/programs/developers-multifamily-programs/competitive/current-rules-and-rule-development-process>.

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: Elizabeth Thorp at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Marisa Button, Director of Multifamily Programs

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

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-43.002	Definitions
67-43.005	Program Income Targeting
67-43.006	Eligible Activities
67-43.008	Terms and Conditions of Loans
67-43.010	Construction Disbursements and Permanent Loan Servicing
67-43.012	Fees

**PURPOSE AND EFFECT:** The purpose of this rule chapter is to establish the procedures by which the Corporation shall (1) determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) and the Hurricane Andrew Recovery and Rebuilding Program authorized by Section 420.5087, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The rule development workshop will be held to receive comments and suggestions from interested persons relative to the development of program requirements for the SAIL/Hurricane Andrew Recovery and Rebuilding Program, as specified in Rule Chapter 67-43, Florida Administrative Code (F.A.C.).

**RULEMAKING AUTHORITY:** 420.507, FS.

**LAW IMPLEMENTED:** 420.5087, FS.

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**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Selection Procedures for Developments
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Qualified Contracts
67-48.040	EHCL General Program Procedures and Restrictions
67-48.041	Terms and Conditions of EHCL Loans

**PURPOSE AND EFFECT:** The purpose of this rule chapter is to establish the procedures by which the Corporation shall (1) determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) and Elderly Housing Community Loan (EHCL) Programs authorized by Section 420.5087, Florida Statutes, and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The rule development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of program requirements for the SAIL, EHCL, HOME, and HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code and (2) amendments to the Florida Housing Finance Corporation’s 2020 Qualified Allocation Plan (QAP).

**RULEMAKING AUTHORITY:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 FS.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Marisa Button, Director of Multifamily Allocations

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## Section II Proposed Rules

### WATER MANAGEMENT DISTRICTS

#### Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-9.021	Definitions
40D-9.111	Access to and Closures of District Lands
40D-9.140	Hiking
40D-9.150	Equestrian Activities; Use of Saddle Animals
40D-9.160	Bicycling
40D-9.170	Hunting
40D-9.181	Diving
40D-9.182	Swings, Diving, and Jumping
40D-9.190	Dogs, Cats, or Other Animals
40D-9.191	Plant or Animal Removal, Destruction, or Harassment
40D-9.192	Introduction of Plants and Animals to District Lands
40D-9.200	Archaeological or Cultural Resources Removal, Alteration, or Destruction
40D-9.220	Destruction, Removal, or Alteration of District Owned Facilities or Equipment
40D-9.250	Fires
40D-9.260	Camping
40D-9.270	Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft
40D-9.290	Other Uses; Use of Alcoholic Beverages on District Lands Prohibited
40D-9.311	Penalties
40D-9.330	Special Use Authorization

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to amend and update Chapter 40D-9, F.A.C.

**SUMMARY:** Section 373.1391, F.S., provides that the District may establish rules related to District lands. Those rules are contained within Chapter 40D-9, F.A.C., which has not been significantly updated since 2004. This rulemaking is to update the District’s land use rules to address current issues, reflect current practices and procedures, and remove outdated references.

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

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

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

herein: The District conducted an economic review of the revisions to these rules and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. The proposed rule revisions are in response to the changing nature of District recreation opportunities. Additionally, the proposed revisions will bring the District’s rules in line with those of the other water management districts. There are no changes to existing requirements that would likely, directly or indirectly, significantly increase regulatory costs. Since there are no expected significant increases in regulatory costs, small businesses will not be adversely impacted. As there are no expected significant increases in regulatory costs and no expected adverse impacts to small businesses, a SERC is not required.

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:** 373.044, 373.113, 373.1391 FS.

**LAW IMPLEMENTED:** 259.105, 373.1391, 373.59 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office, (352)796-7211, ext. 4706; 1(800)423-1476 (FL only), ext. 4706 or email to ADACoordinator@swfwmd.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).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Chris Reed, Land Management Manager, SWFWMD, 2379 Broad Street, Brooksville, FL 34604, (352) 796-7211, ext. 4466

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

40D-9.021 Definitions.

When used in this part:

(1) “Access point” means a designated location or boundary for public access to District Lands.

(2) “Bicycle” means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20

miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

(3) “Bicycling” means to ride a bicycle.

(4) ~~(4)~~ “Commercial” activities means selling or offering to sell any merchandise or service including those derived from the consumptive or non-consumptive recreational use of District Lands including, but not limited to, providing guide services or tours, or providing rental vehicles or animals for use on District Lands.

(5) ~~(2)~~ “Camping” means to use a vehicle, tent, or other shelter, and/or to arrange bedding or both with the intent to stay overnight.

~~(3) “Concession” means the privilege to establish a commercial operation or business on District Land.~~

~~(4) “Designated road” means any road, path, land, or trail designated by name or number for public vehicular travel.~~

(6) ~~(5)~~ “District” means the Southwest Florida Water Management District, operating under the authority of Chapter 373, F.S.

(7) ~~(6)~~ “District Lands” means any real property owned, leased, managed, or controlled by in which the District has an equitable or legal interest that allows the District to possess or regulate entry upon the property.

~~(7) “Entry point” means a designated location or boundary for public access to District Lands.~~

(8) “Facility” or “Structure” means any object placed on District Lands, which is intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.

(9) “Fireworks” means any device as defined in Chapter 791, F.S.

(10) “Historic resource” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklore resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state.

(11) “Horse cart” means a non-motorized two- (2) or four- (4) wheeled vehicle pulled by up to two saddle animals driven by a human.

~~(12)(10)~~ “Mobility impaired persons” means a person eligible for a disabled person exemption parking permit pursuant to Section 320.0848, F.S.

~~(13)(11)~~ “Motorized Vehicle” means any vehicle, which travels over land and is partially or completely powered by a motor, as well as animal-drawn carriages and buggies.

~~(14)(12)~~ “Natural resource” means land, water, soils, flora, and fauna.

~~(13) “On foot” means activities such as hiking and jogging where travel is by foot only and does not involve any type of device, apparatus, or other means of enhancing mobility.~~

~~(14) “Recreational purposes” means resource based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, diving, wildlife watching, sailing, and jogging.~~

~~(15) “Recreational site” means an improved or unimproved site established to facilitate public use.~~

~~(15)(16)~~ “Resource-based” means an activity that depends on natural resources for its occurrence such as fishing, boating, camping, wildlife study, or hunting.

~~(16)(17)~~ “Special Use Authorization” means the granting of a privilege to go on or use District Lands for a certain purpose without conveying any property or possessory interest.

Rulemaking Authority 373.044, 373.113, 373.1391 FS. Law Implemented 259.105, 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

#### 40D-9.111 Access to and Closures of District Lands.

(1) District Lands shall be open to the public from 30 minutes prior to sunrise until 30 minutes after sunset during daylight hours only, unless otherwise authorized by the District posted.

(2) Public ~~access~~ Access to District Lands is provided at designated ~~access~~ entry points from public roadways. District Lands, ~~except as described in this Rule,~~ may be accessed from any adjacent waterway or waterbody at any point, unless otherwise posted. Weeki Wachee Springs State Park and Weeki Wachee Preserve may not be accessed from any adjacent waterway or waterbody at any point, unless otherwise posted.

(3) District Lands may be closed to public use during certain hours or for certain periods of time when such closure is necessary due to emergency conditions such as floods, severe weather events, and wildfires; or during prescribed burns, construction, vegetation spraying, or other land management activities ~~if such activity presents a danger to the public. If a governmental entity other than the District is conducting the activity, that entity shall close District Lands with the concurrence of the District pursuant to this subsection.~~

(4) District Lands may be closed to public use in areas undergoing construction or restoration, or subject to other land

or water management activities, ~~when~~ where necessary to protect the site.

(5) District Lands may be closed to public use when such action is necessary to protect the water, natural or cultural resources of such lands.

(6) District Lands may be closed to public use when necessary to conduct research, studies, or data collection that has been approved or ~~contracted~~ sponsored by the District.

(7) The District shall provide notice by signs, ~~District website, press release, or social media postings~~ when District Lands are closed for public use.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.140 Hiking.

Hiking is allowed on District Lands except where specifically restricted by signs. For the purposes of this subsection, hiking shall include jogging, wildlife watching, or any other activity where travel is by foot only, ~~and does not involve another activity described in this chapter.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.150 ~~Equine Equestrian Activities, ; Use of Saddle Animals.~~

(1) ~~Equestrian activities and the use of saddle animals other than horses~~ are allowed on District Lands where identified by posted signage on trails, areas, roads, or equestrian campgrounds. ~~, on designated trails or areas.~~

(2) ~~Persons using saddle animals on District lands must have proof of a negative Coggins test for Equine Infectious Anemia in their possession at all times. The responsible party for each saddle animal on District Lands shall carry proof of negative Coggins test administered within the last twelve months for each such saddle animal while on District Lands.~~

(3) Equestrian activities are prohibited in wetlands.

(4) The use of a horse cart as defined by subsection 40D-9.021(11), F.A.C., must be authorized by the District and is allowed only on designated District lands as identified by posted signage on trails, areas, roads, or equestrian campgrounds.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.160 Bicycling.

Bicycling is allowed ~~on District Lands~~ only on District Lands designated for this purpose, designated trails or areas.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.170 Hunting.

Hunting is allowed on District Lands designated by the District. ~~The Under cooperative agreements with the District, the Florida Fish and Wildlife Conservation Commission (Commission) regulates and manages recreational hunting on District Lands by agreement with the District and pursuant to the Florida Statutes and the Commission’s own rules, designated as Type I Wildlife Management Areas. The Commission requires any person engaging in recreational hunting to have a valid hunting license and a wildlife management area stamp in their possession, unless exempted by the Commission.~~ On District Lands not designated as a Type I Wildlife Management Area, the District allows hunting by permit where hunting is part of the site-specific management plan developed or authorized by the District. The District shall issue permits or Special Use Authorizations for ~~specifically authorized~~ hunts on District Lands and shall limit the number of permits based upon the conservation management goals and objectives contained within the specific management plan for the property. Any person engaging in hunting on District Lands during such authorized hunts must have in their possession a valid hunting license for game animals and a District permit or Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 7-6-10, \_\_\_\_.

40D-9.181 Underwater Diving.

Scuba diving, or the use of underwater breathing apparatus of a similar nature, is prohibited on District Lands unless authorized by a Special Use Authorization. A person issued a Special Use Authorization to perform a dive from District Lands shall submit a report informing the District of any scientific or archaeological evidence discovered during the dive within 30 days after completing the dive. To receive a Special Use Authorization for diving, the applicant must satisfy the requirements contained in Rule 40D-9.330, F.A.C., and must provide reasonable assurances that:

(1) The dive is for a scientific or resource investigation purpose; and

(2) The person performing the dive is certified for the type of dive to be performed.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.182 Swings, Diving, and Jumping.

The installation or use of swings, rope swings, platforms or stairs in trees is prohibited, unless otherwise authorized by Florida law. Diving or jumping from trees, banks, structures or bridges on District Lands into any body of water is prohibited.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New \_\_\_\_.

40D-9.190 Dogs, Cats, or Other Animals.

Dogs and ~~saddle animals~~ horses are allowed on District Lands only in designated areas. Dogs must be leashed or caged at all times unless they are authorized as part of an approved hunting program or authorized by a Special Use Authorization. Other types of domesticated animals, such as cats, are prohibited on District Lands. Pet waste must be removed by owner. Saddle animal manure must be pulverized on site or removed by the owner/handler.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.191 Plant or Animal Removal, Destruction, or Harassment.

~~All plants and animals on District Lands are protected.~~ Removing, destroying, or harassing animals or plants, including the felling of dead trees, from or on District Lands is prohibited except for ~~specifically authorized~~ research efforts, hunting and fishing activities authorized by permit or Special Use Authorization, or District initiated removals associated with restoration reforestation, control of exotic or nuisance species, silvicultural timber harvests or other land management activities.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.059 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.192 Introduction of Plants and Animals to District Lands.

The introduction or release of any plant or animal on District Lands is prohibited unless done pursuant to a District initiated or authorized land management or restoration activity.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.200 ~~Historic Archaeological or Cultural~~ Resources Removal, Alteration, or Destruction.

~~All archaeological and cultural resources on District Lands are protected.~~ Removal, alteration or destruction of historic archaeological or cultural resources is prohibited on District Lands unless authorized by a Special Use Authorization. The District shall consult the Florida Department of State, Division of Historical Resources, prior to authorizing the removal, alteration or destruction of historic any archaeological or cultural resources on District Lands. ~~Archaeological or cultural resources means associated physical remnants and features contained in the ground including artifacts, fossils, bones, shell mounds, or primitive culture facilities or items.~~ Any person discovering historic archaeological or cultural resources on District Lands shall notify the District of such discovery within 24 hours.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.220 Destruction, Removal, or Alteration of ~~District-Owned~~ District-owned Facilities or Equipment.

The destruction, removal or alteration of any District-owned ~~District-owned~~ facilities, vehicles or other equipment is prohibited on District Lands. District-owned ~~District-owned~~ facilities and equipment include but are not limited to water control structures, scientific study plots, photo points, transect lines, survey markers, public buildings, towers, recorders, gauges, signs, gates, fences, ~~and~~ monuments, monitoring wells, and associated equipment.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.250 Fires.

Igniting any fire on District Lands is prohibited except for District authorized prescribed burns, campfires in fire rings in designated camping areas or day use areas, or fires authorized by a Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.260 Camping.

(1) Camping is allowed on District Lands at designated sites by permit or Special Use Authorization only.

(2) Camping using a motorized vehicle is allowed on District Lands only in camping sites designated for this purpose. The use of a motorized vehicle is subject to Rule 40D-9.270, F.A.C.

(3) The District shall grant a permit for camping on District Lands ~~with or without using motorized vehicles~~, subject to the following conditions:

(a) Camping permits are issued on a first come-first served basis to those registered on the District's website. Reservations must be made no later than 24 hours prior to the start of the camping permit. The number of camping permits issued per site is limited to the capacity of the site; The District is given ten days prior written notice of the camp;

(b) Campers may arrive no earlier than 3 p.m. on the first day of the camping permit and must depart no later than 11 a.m. on the final day of the camping permit. The ten day prior written notice is delivered to:

~~Southwest Florida Water Management District~~  
~~Land Use and Protection Section~~  
~~Land Resource Department~~  
 2379 Broad Street, Brooksville, FL 34604 6899

(c) Overnight camping or the presence of camping equipment is limited to no more than seven (7) consecutive days, and thirty (30) total days per year on District lands where camping is authorized, unless authorized by Special Use Authorization. The campground capacity is not exceeded by the proposed camping activity.

(d) Permittees can hold no more than two (2) active camping permits within the reservation system at any given time.

(e) Camping is allowed outside of areas designated for camping only by Special Use Authorization.

(f) No person shall install, erect, or maintain any unauthorized camp, building, structure, shelter, residence or sign.

(g) Between the hours of 10:00 p.m. and 7:00 a.m., music, barking dogs, or any other activities causing excessive noise are prohibited in camping areas. Generator use is only allowed in camping areas on District Lands from 7:00 a.m. to 10:00 p.m., unless authorized by Special Use Authorization. Generators are not to be left running unattended at any time.

(h) Pets permitted include horses and dogs on District lands where allowed. Pets must be leashed or tethered at all times while on District lands. Dogs must remain on a 6ft leash at all times.

(i) Campers are limited to two dogs per camping reservation.

(j) Within camping areas, pet waste must be disposed of in waste bins, if provided, or removed by the owner. Saddle animal manure must be removed by owner/handler, or pulverized adequately on site.

(k) Changing the registered name of a group or individual, or if the same individuals or the similar persons in a family group or camping rig make multiple advanced reservations, through any means, including the use of multiple user profiles, to circumvent the 7-day maximum or 30 day total annual length of stay is prohibited.

(4) Camping on District Lands, whether authorized by permit or Special Use Authorization, does not create a tenancy or any other interest in land. The length of stay for camping authorized by this section shall be no greater than seven continuous days.

(5) The District may revoke a camping permit if the permittee fails to comply with the rules in Chapter 40D-9, F.A.C., or any provision of a camping permit.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.270 Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft.

(1) Motorized vehicles that are licensed for Florida highway use are allowed on District Lands in designated areas. Use of all-terrain, off-road, or other motorized vehicles not licensed for Florida highway use is prohibited on District Lands except by a Special Use Authorization for access by mobility impaired persons, research, studies, or data collection. Special Use Authorizations for access by mobility impaired persons

shall be issued by the Land Resources Director or the Director's designee pursuant to Rule 40D-9.330, F.A.C.

(2) Motorized vehicles licensed for Florida highway use shall be operated by licensed drivers only on roads designated as open for motorized vehicles.

(3) Motorized vehicles shall not exceed posted speed limits. If no speed limit is posted, the speed limit shall be 20 miles per hour.

(4) For purposes of this section, the term "boating" includes both motorized and non-motorized boats.

(5) (4) Boating is allowed on all District-owned waterways (canals, impoundments, etc.) subject to the following:

(a) Boats traveling within 500 feet of any District structure or levee shall not exceed idle speed unless otherwise indicated by signs.

(b) Boats shall not be operated in a manner which would damage plants, animals or other environmental resources.

(c) Boat use shall be limited to designated boat trails except in areas posted as open for boats.

(d) The District shall prohibit or limit boating in areas for public safety, resource protection, and protection of District facilities or equipment. The District shall limit boating. Boating shall be limited by engine horsepower, speed, or vessel type as necessary for public safety, resource protection, or protection of District facilities or equipment, and these limitations shall be specific to each water body. Areas closed to boating and boating limitations shall be designated by signs.

(e) The mooring of any boat on any District Lands for more than 24 continuous hours is prohibited, unless otherwise posted. The mooring of any boat on any District Lands for less than 24 continuous hours is authorized, unless otherwise posted.

(f) No person shall operate an airboat or vessel beyond posted signage or on upland areas.

(5) Boats on trailers shall only be launched in designated areas, from areas designated by signs.

(6) Parking a motor vehicle or trailer in an unauthorized location or in a manner blocking roads, gates, firelines, monitoring wells, or water control structures is prohibited. Parking of commercial vehicles and trailers is prohibited unless authorized by Special Use Authorization.

(6) For the purposes of this section, the term "boating" includes both motorized and non-motorized boats.

(7) Taking off or landing aircraft on District Lands is prohibited unless authorized by a Special Use Authorization.

(8) Unmanned aerial vehicles, including recreational drones, are prohibited from taking off or landing on District Lands unless authorized by the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

40D-9.290 ~~Other Uses; Use or Possession~~ of Alcoholic Beverages on District Lands Prohibited.

~~(1) Any recreational use of District Lands not authorized by this chapter is prohibited.~~

~~(2) The use or possession of alcoholic beverages on District Land is prohibited, except as authorized herein.~~

(1) The possession, sale, and use of alcoholic beverages may be allowed on District Land that is cooperatively managed by another agency or local government when that agency or local government has adopted a rule or ordinance that allows the sale and use of alcoholic beverages in parks or facilities owned or managed by the agency or local government and makes such a request in writing.

(2) The rule or ordinance must, at a minimum, require \$1,000,000 liquor liability insurance, and the agency or local government must agree in writing to indemnify and hold the District harmless from any claims of liability resulting from events authorized by the agency or local government pursuant to its rule or ordinance at which alcoholic beverages are sold or used on District Land.

(3) If the conditions of paragraphs (a) and (b) are not met, the District shall deny a request by an agency or local government to allow the possession, sale, or use of alcoholic beverages on District Land.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 9-11-11, Amended \_\_\_.

40D-9.311 Penalties.

(1) Any person who violates any provision of this chapter is subject to ejection from the premises and may be subject to criminal prosecution.

(2) Any person who is ejected more than once from District Lands may be barred from applying for any permit or Special Use Authorization contemplated by this chapter for a period of up to five years.

(3) The penalties identified in these rules do not supersede other remedies available to the District at law and/or in equity.  
Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New \_\_\_.

40D-9.330 Special Use Authorization.

(1) A person or entity must obtain ~~apply for~~ a Special Use Authorization to use District Lands for activities not specifically authorized by ~~provided for in~~ this chapter.

(2) For recreational activities specifically authorized by this chapter involving 25 or more participants, a Special Use Authorization must be obtained on behalf of the group.

~~(3)~~(2) To receive a Special Use Authorization the applicant must provide reasonable assurance in writing that:

(a) The requested use is natural resource-based,

(b) The requested use will not permanently alter District Lands or involve the placing of any structure or facility on District Lands,

(c) The requested use is consistent with the management plan for the District Lands involved,

(d) The requested use will not harm the environmental or historical resources of the District Lands,

(e) The requested use will not cause unreasonable expense to the District,

(f) The requested use will not create a substantial risk of liability to the District,

(g) The requested use will not harm any dam, impoundment, works, water control structures, roads, or District-owned ~~District owned~~ facilities or equipment,

(h) The requested use will not interfere with District water management, leased, licensed, or authorized uses of the land, and

(i) The requested use will not interfere with any other use allowed by the rules in this chapter.

~~(4)~~(3) The District shall impose upon any Special Use Authorization issued pursuant to this chapter such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this chapter.

~~(4) The Governing Board delegates to the Land Resources Director or a person designated by the Director, the authority to issue or revoke Special Use Authorizations pursuant to this section.~~

(5) Any person must ~~may~~ apply for a Special Use Authorization according to the following procedure:

(a) Submit request by email to:

Land@swfwmd.state.fl.us, or by mail to:  
Southwest Florida Water Management District  
Operations and Land Management Bureau  
Land Use and Protection Section  
Land Resource Department  
2379 Broad Street  
Brooksville, FL 34604-6899

(b) If the requested use will create a substantial risk of liability to the District, the District may require the applicant to ~~can~~ mitigate substantial risk of liability by:

1. Providing proof of liability and property damage insurance naming the District as an additional insured in an amount sufficient to cover the cost of the liability which is posed to the District, or

2. Providing waivers or releases of liability sufficient to eliminate the liability, ~~which is~~ posed to the District.

~~(c) The application shall be reviewed by the Land Resources Department for compliance with the criteria listed in this section and a recommendation regarding the application forwarded to the Land Resources Director.~~

~~(d) If the requested use satisfies all of the criteria set forth in this section, the Land Resources Director, or the Director's designee, shall issue the Special Use Authorization.~~

~~(e) If the requested use does not meet the criteria set forth in this section, the Land Resources Director, or the Director's designee, shall deny the Special Use Authorization application.~~

~~(f) The District's notices of intent to issue or deny a Special Use Authorization shall be governed by Chapter 28-106 and Rule 40D-1.1010, F.A.C.~~

(6) Any person receiving a Special Use Authorization from the District must have the Special Use Authorization in their possession at all times while on District Lands.

(7) Special Use Authorizations shall be subject to terms, conditions, and restrictions as may be prescribed therein. Failure to abide by all terms and conditions shall be a violation of the authorization and this chapter.

~~(8)(7) The District Land Resources Director, or the Director's designee, shall revoke a Special Use Authorization if the grantee violates the conditions of the authorization or engages in a use not specifically authorized.~~

~~(9)(8) A Special Use Authorization does not eliminate the necessity to obtain any required federal, state, or local approval or permit prior to the start of any authorized use.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended \_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Southwest Florida Water Management District  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2020  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 5, 2021

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:	RULE TITLE:
62-17.021	Definitions
62-17.191	Postcertification Compliance Review, Monitoring
62-17.211	Modification of Certification, Criteria-change Modifications, Transfer of Ownership

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule (NOPR) is to: delete definitions in Rule 62-17.021, F.A.C., that are already defined by statute or that the associated rule has been repealed and to revise existing definitions; update and clarify processes in Rule 62-17.191, F.A.C., for review of postcertification submittals in order to determine compliance with the Conditions of Certification; and update and clarify processes in Rule 62-17.211, F.A.C., for

modifying a certification and transferring a certification and to incorporate the Notice of Intent to Transfer of Certification Form into the rule section.

SUMMARY: The proposed rule amendments address Electrical Power Plant Siting regulations and forms.

OTHER RULES INCORPORATING RULE 62-17.021, F.A.C.: 62-17.031, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-17.191, F.A.C.: None

OTHER RULES INCORPORATING RULE 62-17.211, F.A.C.: None

**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: revision of these rules will not have an adverse impact or increase regulatory costs on any entity.

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: 403.504(1), F.S.

LAW IMPLEMENTED: 403.503, 403.504(1), 403.504(8), 403.511, 403.516, 403.517, 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: Ann Seiler, 2600 Blair Stone Rd., MS 5500, Tallahassee, FL, 32399-2400, Ann.Seiler@Floridadep.gov, (850)717-9113.

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

62-17.021 Definitions.

The words, terms and phrases used in chapter 62-17, F.A.C. Part I, unless otherwise indicated, shall have the meaning set forth in section Section 403.503, F.S. In addition, the following words when used in chapter 62-17, F.A.C., Part I shall have the indicated meanings:

~~(1) “Abandonment” means the procedure by which the Board releases all or part of a site from the terms and conditions of a certification previously granted.~~

~~(1)(2) “Clerk of the Siting Board” means the person designated as the clerk of the department pursuant to section 403.504(10), F.S. Rule 62-103.050, F.A.C.~~

(3) renumbered (2) No change.

~~(4) “Directly associated facility” shall have the same meaning as the term “associated facilities” in Section 403.503(13), F.S. These terms include associated transmission lines if the transmission lines are directly connected to the plant, or if the transmission lines are brought in at the applicant's option.~~

~~(3)(5) “Electronic Copies” means documentation submitted by the applicant which is stored on electronic media (for example, compact disc) in a manner suitable for ease of copying and pasting text or graphics into word processing software. Acceptable formats for electronic copies include Microsoft Word for Windows Versions 5.0 or higher, Rich Text Format, and portable document format (.pdf). Any portable document format (.pdf) files must be of a version that all narrative and tables can be readily converted to text.~~

(6) through (7) renumbered (4) through (5) No change.

~~(8) “Licensee” means an applicant which has obtained a certification order for the subject electrical power plant.~~

~~(6)(9) “Postcertification amendments” means documentation which reflects changes in the certified project a material change in the information provided in the application, by the licensee as certified, that does not require a modification to the conditions of certification.~~

~~(7)(10) “Precertification amendments” means any amendment to the application made prior to certification. It does not include information supplied by the applicant to make the application complete documentation submitted by the applicant during the application review period which reflects changes proposed by the applicant to the designs or plans contained in its previously submitted application. It does not mean responses to requests for additional information to make the application complete as determined by reviewing agencies which are considered supporting information.~~

(11) through (12) renumbered (8) through (9) No change.

(10) “Supplemental Application” means an application for certification for the construction and operation of an additional steam or solar electrical power plant generation unit and associated facilities to be located at a site which has been previously certified for an ultimate site capacity.

Rulemaking Authority 403.504(1), 403.517(1) FS. Law Implemented 403.503, 403.504(1), 403.5115, 403.517 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.02, Amended 5-9-83, Formerly 17-17.021, Amended 2-1-99, 2-13-08, \_\_\_\_\_.

62-17.191 Postcertification Compliance Review, Monitoring.

(1) Pursuant to specific conditions of certification, a licensee may be required to file site-specific technical data to allow the review by the department and any other affected agency of the licensee’s compliance with the conditions of certification. This is considered postcertification review (PCR).

(a) through (b) No change.

(c) The procedures for postcertification submittal processing, if not otherwise specified in the conditions, are as follows:

1. All postcertification submittals of information by the licensee, and all completeness findings and determinations of compliance by affected agencies, are to be filed with the department. Copies of each submittal shall also be ~~simultaneously~~ submitted to the agency requiring the postcertification submittal and any other agency indicated in a specific condition requiring a postcertification submittal.

2. The department, and each affected agency receiving a copy of the postcertification submittal pursuant to subparagraph 62-17.191(1)(c)1., F.A.C., shall review each postcertification submittal for completeness. ~~F~~for the purposes of postcertification reviews, completeness shall mean that the information submitted is both complete and sufficient. The department will consult with the other agencies receiving the submittal, as appropriate, regarding and not completeness ~~problems raised by the other agencies.~~ If the submittal is found by the department, or affected agency, to be incomplete, the licensee shall be so notified. Subsequent findings of incompleteness, by an affected agency, must be made in consultation with the department. Failure of the department or affected agency, to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. If a situation arises in which mutual agreement between either the department and the licensee, or, the licensee and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the department may act as a facilitator in an attempt to resolve the issue.

3. Within 90 days after complete information is submitted, the department, or affected agency, shall give written notification to the licensee and other the agencies to which the postcertification information was submitted of its assessment of whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that compliance with the conditions will not be achieved, the licensee shall be notified with particularity and possible corrective measures suggested. Failure of the department, or affected agency, to notify the licensee in writing within 90 days of receipt of a complete postcertification submittal shall constitute a finding of compliance.

4. If the department, or affected agency, does not give notification of compliance within the time period specified in subparagraph 62-17.191(1)(c)3., F.A.C. 3., above, the licensee may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details.

(d) No change.

(2) No change.

(3) The licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due dates for information required of the licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, ~~via CD and hard copy~~, in the format identified below.

Condition Number	Requirement and timeframe	Due Date	Name of Agency or agency subunit to whom the submittal is required to be provided

Rulemaking Authority 403.504(1) FS. Law Implemented 403.504(8), 403.511 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.13, Amended 5-9-83, Formerly 17-17.191, Amended 2-1-99, 2-13-08, \_\_\_\_\_.

62-17.211 Modification of Certification, ~~Criteria change Modifications~~, Transfer of Certification Ownership.

A certification ~~and conditions of certification~~ can be modified ~~only~~ in accordance with ~~section~~ Section 403.516, F.S., and this rule; or in accordance with ~~section~~ Section 403.511(5), F.S.; or, as a transfer of certification to a new licensee.

(1) For modifications under the provisions of ~~section 403.516(1)(c)~~ Section 403.516, F.S., the following shall apply:

(a) ~~Under Section 403.516(1)(a), F.S., the Siting Board may delegate to~~ the department may initiate the modification upon its own initiative. If the department initiates a modification, the following shall apply; the authority to modify conditions in the certification which have been identified in the adopted conditions as being subject to this provision. This includes the authority to impose new conditions as well as modify existing conditions. The department shall request that such delegation be made as a term of the imposed conditions. A copy of any modification pursuant to this section shall be provided to all parties.

1. A Notice of Intent to Modify shall be sent to parties to the original certification proceedings and any subsequent modification proceedings, at the last address on record for the party. All parties have an on-going duty to notify the department of changes to their relevant contact information.

2. The department shall publish a notice in the Florida Administrative Register (F.A.R.), stating that the deadline for filing objections with the department for parties to the original proceeding, and for parties to any subsequent modification proceedings, is 45 days after issuance of the notice by mail; and the deadline for other persons whose substantial interest may be affected is 30 days after publication of the F.A.R. notice. Objections shall be limited to the portion of the certification that is proposed to be modified.

3. If no timely objections are filed with the department, a final order approving the modification shall be issued by the department.

4. If written objections are filed with the department, the licensee or department may file a request for a hearing concerning the modification with the department. If written objections are filed that address only a portion of the proposed modification, the department shall issue a final order approving the portion of the proposed modification to which no objections were filed, unless that portion of the proposed modification is substantially related to or necessary to implement the portion to which written objections were filed.

~~(b) The process for modifications requested by the licensee may file a petition for modification with the department's Siting Coordination Office. shall be in accordance with Section 403.516(1)(e), F.S., and the~~ If the licensee files a petition for modification, the following shall apply:

1. The process is initiated by the filing of a complete and sufficient petition for modification. The petition shall contain a concise statement of the proposed modification; the factual reasons asserted for the modification, including the changes in circumstance which justify the modification; and a statement of whether, and if so, how the proposed modification, if approved would affect the conditions of certification, the site layout or design as depicted in the current version of the application, and the anticipated affects of the proposed modification on the environment.

2. The Siting Coordination Office will forward the petition to all reviewing agencies. To be deemed properly filed, the licensee shall submit the petition for modification as determined below:

a. The licensee shall consult with the department to determine the appropriate department and agency contacts needed to support the modification review. At a minimum, the request shall be submitted to the department's Siting Coordination Office, the request shall be sent to all parties to

~~the original proceedings and any previous modification proceedings, at the last address on record for the party.~~

~~b. The licensee shall consult with the department and parties to determine the number of electronic copies needed to support the modification review, and shall submit the number of electronic copies as determined. Parties have a duty to notify the department of changes of address. The applicant shall provide those copies on a timely basis pursuant to Section 403.5064(3), F.S.~~

~~3. The department may require notice of the petition for modification to be published, based on the criteria in section Section 403.5115(1)(h) 403.5115(1)(g), F.S., Any such notice and which shall comply with rule Rule 62-17.281, F.A.C.~~

~~4. The petition shall be reviewed for completeness. Within 25 days of the filing of the petition with the department, agencies with jurisdictional matters affected by the proposal shall file completeness recommendations with the department. Within 30 days of the filing of the petition with the department, the department shall issue a completeness determination. Any subsequent information filings intended to render the petition complete shall be reviewed by the agencies and the department under these same deadlines. Notice in the Florida Administrative Register regarding the Proposed Order shall be published by the department in accordance with Rule 62-17.280, F.A.C., which shall identify the time period for objections specified in subparagraph 6., below.~~

~~5. If the The department intends to modify the conditions of certification based on the licensee's petition, the process outlined in subparagraphs 62-17.211(1)(a)1. through 3., F.A.C., shall be followed shall send any notice of the proposed order of a modification to the last address of each party to the original certification proceedings as shown in the record of that proceeding, or as may have otherwise been updated by the party.~~

~~6. If no objections are received from the parties to the certification hearing within 45 days after issuance of the notice by mail, or from other persons whose substantial interest may be affected thereby within 30 days after publication of the F.A.R. notice specified in subparagraph 4., above, then a Final Order approving the Modification shall be issued by the department. If written objections are filed which address only a portion of the proposed requested modification, then the department shall issue a final order Final Order approving the portion of the proposed modification to which no objections were filed, unless that portion of the proposed requested modification is substantially related to or necessary to implement the portion to which written objections are filed.~~

~~7. If written objections are filed raised, or the department denies the request, the licensee or department may file a request for a hearing on the modification with the department the following shall apply. Written objections shall only address~~

~~matters raised in the request for modification and the department's Proposed Order.~~

~~a. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(e), F.S., a petition for modification may be filed seeking approval for those portions of the request for modification to which written objections were timely filed.~~

~~b. Any request for a hearing on the modification under Section 403.516(1)(e), F.S., shall be filed with the department and the Division of Administrative Hearings, and served on the parties to the certification hearing and persons who have objected to the modification in writing pursuant to Section 403.516(1)(e)2., F.S. The request shall contain a description of the petitioner; a copy of the initial Request for Modification specified under subparagraph 1., above; a copy of the objections to the request or proposed Order; the information required by Section 403.516(1)(e)1., F.S.; a statement of all disputed issues of material fact or a statement that there are none; a concise statement of the ultimate facts alleged, including the specific facts the requesting party contends warrant issuance of the modification; a statement of the specific rules or statutes the requesting party contends require issuance of the modification; a statement of the relief sought; and any other information which the petitioner contends is material.~~

~~c. In accordance with Section 403.516(1)(e)4., F.S., a request for modification shall be disposed of in the same manner as an application. At least 30 days prior to the date set for the hearing, the parties shall file their statement of issues with the administrative law judge and the department. The hearing on the modification shall be conducted in the same manner as a certification hearing, and notice of hearing shall be provided as prescribed in Rules 62-17.281, F.A.C. The modification shall not become effective until approved by the Board or the department.~~

~~(c) In accordance with section 403.516(1)(c)4., F.S., requests for a hearing on a modification shall be disposed of in the same manner as an application, but with time periods established by the administrative law judge commensurate with the significance of the modification. The hearing on the modification shall be conducted in the same manner as a certification hearing, and notice of hearing shall be provided as prescribed in rule 62-17.281, F.A.C. At least 30 days prior to the date set for the hearing the parties shall file their statement of issues with the administrative law judge and the department. The request for a hearing shall contain the information required under chapter 120, F.S. and rule 28-106.201(1) and (2), F.A.C. Administrative res judicata applies to petitions for modification.~~

~~(d) Modification fees shall not be required of agencies requesting that the department initiate a modification proceeding.~~

(2) For transfer of a certification, the following shall apply modifications pursuant to Section 403.511(5), F.S.:

(a) A transfer of certification of all or part of a certified facility shall be initiated by the licensee's filing written notification, including a completed Notice of Intent to Transfer Certification Form (DEP Form No. 62-17.211(1)), adopted and incorporated by reference herein (link), (effective date), with the department and each agency listed in section 403.507(2)(a) and (b), F.S., of its intent to transfer the certification to a new licensee. The licensee's written notification shall identify the time period for objections specified in paragraph 62-17.211(2)(b), F.A.C. In accordance with Section 403.511(5)(a), F.S., if new rules are adopted which prescribe new or stricter criteria which are applicable to the certified electrical power plant, the certification holder must operate the certified electrical power plant in accordance with such rules unless variances or other relief have been granted.

(b) The agencies identified in paragraph 62-17.211(2)(a), F.A.C., shall have 30 days to file any written objections with the department upon receipt of the written notification and form. If, in accordance with Section 403.511(5)(b), F.S., any holder of a certification pursuant to this Part chooses to operate the certified electrical power plant in compliance with any rules subsequently adopted by the department which prescribe criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific, the certification holder shall notify the department prior to modifying its method of operation.

(c) The transfer shall be approved unless the department objects to the transfer on the grounds of the inability of the new licensee to comply with the conditions of certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a section 120.57, F.S., administrative hearing. A copy of the department's action on the transfer of certification shall be sent to all agencies identified in paragraph 62-17.211(2)(a), F.A.C.

~~(3) A transfer of certification of all or part of a certified facility shall be initiated by the licensee's filing with the department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. Parties shall have 30 days to file in writing with the department any objections to transfer of the certification. Upon the filing with the department of a written agreement from the intended new licensee to abide by all conditions of certification and applicable laws and regulations, the transfer shall be approved unless the department objects to the transfer on the grounds of the inability of the new licensee to comply with the conditions of certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57,~~

~~F.S., administrative hearing. A copy of the department's action on the transfer of certification shall be sent to all parties.~~

~~(4) For modifications in relation to federally delegated or approved permit programs, pursuant to Section 403.516(1)(b), F.S., the department shall modify a certification order and conditions of certification to conform to any subsequent department issued amendments, modifications or renewals of any separately issued prevention of significant deterioration (PSD) permit, Title V Air Operation permit, National Pollutant Discharge Elimination System (NPDES) permit, or any other permit for the certified electrical power plant issued by the department under a federally delegated or approved permit program so long as no state rule exists which conflicts or is more stringent than the provisos of the federal permits. Pursuant to Section 403.516(1)(b)2., F.S., if the matter has been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is not required for the modification. However, if the matter has not been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is required for the modification pursuant to Section 403.516(1)(c)2., F.S.~~

~~Rulemaking Authority 403.504(1) FS. Law Implemented 403.511(5), 403.516 FS. History--New 5-7-74, Amended 12-27-77, Formerly 17-17.17, Amended 5-9-83, Formerly 17-17.211, Amended 2-1-99, 2-13-08, 5-9-13,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ann Seiler  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Noah Valenstein  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/08/2020  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/22/2020

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:      RULE TITLES:  
62-213.202      Responsible Official  
62-213.420      Permit Applications  
62-213.440      Permit Content  
62-213.900      Forms and Instructions

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule (NOPR) is to revise Chapter 62-213, F.A.C., to clarify language in Rule 62-213.202, F.A.C., regarding "Primary Responsible Official" and its use on the notification form, revise the Responsible Official Notification Form to add instructions, adopt and incorporate by reference the Statement of Compliance Form and Responsible Official Notification Form in the rules where they are referenced, clarify monitoring and related recordkeeping and reporting requirements, repeal

rule section 62-213.900, F.A.C., and remove obsolete references to the federal Clean Air Interstate Rule (CAIR).

SUMMARY: The proposed rule amendments address Operation Permits for Major Sources of Air Pollution.

OTHER RULES INCORPORATING RULE 62-213.202, F.A.C.: 62-213.900, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.420, F.A.C.: 62-4.090, 62-110.107, 62-204.800, 62-210.200, 62-210.300, 62-213.405, 62-213.412, 62-213.415, 62-213.430, 62-213.440, 62-214.320, 62-214.360, 62-214.430, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.440, F.A.C.: 62-213.405, 62-213.412, 62-213.420, 62-213.900, 62-214.420, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.900, F.A.C.: 62-213.202, 62-213.440, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be the intended effect on other rules.

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: revision of these rules will not have an adverse impact or increase regulatory costs on any entity.

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: 403.061, 403.087, 403.0872, FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0872, 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: Cindy Phillips, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee,

Florida, 32399-2400. Telephone: (850)717-9098. E-mail: Cindy.Phillips@Floridadep.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

62-213.202 Responsible Official.

(1) Each Title V source must identify a responsible official on each application for Title V permit, permit revision, and permit renewal. For Title V sources with only one responsible official, the permit application form may be used to this is how the Title V source designates the responsible official. However, when a change in responsible official is needed other than at the time of permit application, a Title V Source with only one responsible official shall submit the Responsible Office Notification (DEP Form No. 62-213.202), herein adopted and incorporated by reference (link), (effective date), to change the responsible official.

(2) Each Title V source may designate more than one responsible official, provided a primary responsible official is designated on the Responsible Office Notification (DEP Form No. 62-213.202), as responsible for the certifications of all other designated responsible officials. Any action taken by the primary responsible official shall take precedence over any action taken by any other designated responsible official.

(3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit to the permitting authority a Responsible Official Notification Form (DEP Form No. 62-213.202) (DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C.) designating all responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials and reason(s) for any replacements. Any previously-designated responsible official that is not included in the most recently submitted form will no longer be considered by the permitting authority or compliance authority to be a responsible official. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C.

(4) Each individual listed on the Responsible Official Notification (DEP Form No. 62-213.202), must meet at least one of the responsible official qualifications listed on the form. The qualifications are based on the definition of "Responsible Official" given at Rule 62-210.200, F.A.C. A Title V source with only one responsible official shall submit DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C., for a change in responsible official.

(5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, except that the existing responsible

~~official of any Title V source which had a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C., or the next application for Title V permit, permit revision or permit renewal, whichever comes first.~~

(6) The completed Responsible Official Notification (DEP Form No. 62-213.202), may be submitted electronically, but must be submitted to the department's district office or contracted local program office that is the identified permitting authority for the Title V source.

Rulemaking Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.061, 403.0872 FS. History—New 6-2-02, Amended 6-29-11,\_\_\_\_\_.

#### 62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and subsections 62-4.050(1) through (3), F.A.C.

##### (a) Timely Application.

1. through 3. No change.

~~4. For purposes of the CAIR Part form (DEP form number 62-210.900(1)(b)), a timely application is one that is submitted as follows:~~

~~a. For a CAIR unit covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department by May 1, 2008. The form shall be submitted as part of a Title V permit revision application.~~

~~b. For a CAIR unit not covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department prior to the unit commencing operation. The form shall be incorporated into the Title V permit upon issuance of an initial, revised, or renewal Title V permit, whichever comes first.~~

~~e. A CAIR Part form shall be submitted simultaneously with any Title V permit renewal application for a CAIR source.~~

##### (b) Complete Application.

1. No change.

2. The application shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a certified application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program ~~and CAIR Program~~, until the conclusion of proceedings associated

with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3., F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to subparagraphs 62-213.420(1)(b)3., F.A.C.

3. through 5. No change.

(2) through (5) No change.

~~(6) CAIR Part Form. For a source subject to the CAIR Program, there shall be included in the Title V permit application a certified CAIR Part form (DEP form number 62-210.900(1)(b)) that contains requirements concerning all CAIR units at the CAIR source for which the application is submitted, in the format prescribed by DEP form number 62-210.900(1)(b)).~~

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, 3-11-10,\_\_\_\_\_.

#### 62-213.440 Permit Content.

(1) Standard Permit Requirements. Each permit issued under this chapter shall incorporate all applicable requirements for the Title V source and for each method of operation proposed by the applicant and approved by the Department. Each such permit shall include all emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements, with citation to the Department's rule authority for each term or condition, and identification of any difference in form from the applicable requirement upon which the term or condition is based. However, when there are multiple, redundant, or conflicting applicable requirements, these provisions can be reduced to a single streamlined term or condition that is the most stringent of the multiple applicable requirements. In addition, the Department shall label permit terms or conditions "not federally enforceable" consistent with 40 CFR 70.6(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Emissions units or pollutant-emitting activities within a Title V source determined to be insignificant pursuant to subsection 62-213.430(6), F.A.C., shall be identified. Whenever any condition or requirement of a Title V permit is added, changed, or deleted during the term of the permit, any such previous condition shall be documented with the permit for the duration of the term and any such new or changed condition shall include a condition effective date.

(a) No change.

(b) Monitoring and Related Recordkeeping and Reporting Requirements.

1. through 2. No change.  
 3. Each permit shall incorporate reporting requirements as follows:

a. ~~The permittee shall monitor compliance with the terms and conditions of this permit and shall submit reports~~ Submittal of reports of any required monitoring at least every 6 months. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60<sup>th</sup> day following the end of each calendar half (i.e., March 1<sup>st</sup> and August 29<sup>th</sup> of every year). All instances of deviations from permit requirements (including conditions in the referenced Appendices) must be clearly identified in such reports. If there are no deviations during the reporting period, the report shall indicate no deviation.

b. Reporting, in accordance with requirements of subsection ~~62-210.700(5)~~ ~~62-210.700(6)~~ and Rule 62-4.130, F.A.C., of deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.

c. No change.

(c) Emission Allowances. The Acid Rain Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Federal Acid Rain Program. ~~The CAIR Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the CAIR Program.~~ The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program ~~or the CAIR Program~~, provided that such increases do not require a permit revision pursuant to Rule 62-213.400, F.A.C. ~~Each CAIR Part incorporates every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> or CAIR NO<sub>x</sub>-ozone season allowance to or from the compliance account of the CAIR source covered by the permit, upon recording by the Administrator.~~

2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program ~~or the CAIR Program~~.

3. Allowances shall be accounted for under the Federal Acid Rain Program ~~or the CAIR Program~~.

4. ~~Each CAIR Part incorporates the definitions of terms under 40 CFR 96.102, 96.202, and 96.302, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

(d) No change.

(2) No change.

(3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

1. No change.

2. A requirement that the source submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C. Such statements shall be accompanied by certification in accordance with subsection 62-213.420(4), F.A.C., for Title V requirements, and with Rule 62-214.350, F.A.C., for Acid Rain requirements, ~~and with Rule 62-296.470, F.A.C., for CAIR Program requirements.~~ Such statement shall be submitted (postmarked) to the Department and EPA:

a. through b. No change.

3. In lieu of requiring a responsible official to individually identify all applicable requirements and specify times of compliance with, noncompliance with, and deviation from each, a provision that a responsible official may use the Statement of Compliance Form (DEP Form No 62-213.440) ~~DEP Form No. 62-213.900(2), herein~~ adopted and incorporated by reference (link), (effective date) at Rule 62-213.900, F.A.C., as such statement of compliance so long as the responsible official specifically identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.

(b) No change.

(4) Periodic Monitoring.

(a) No change.

(b) Monitoring performed pursuant to any of the following satisfies periodic monitoring for that applicable requirement:

1. through 4. No change.

~~5. CAIR Program requirements for which monitoring requirements are established pursuant to 40 CFR Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History–New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, 3-11-10, 6-29-11, \_\_\_\_\_.

62-213.900 Forms and Instructions.

Rulemaking Authority 403.061 FS. Law Implemented 403.0872 FS. History–New 12-21-92, Amended 11-25-93, Formerly 17-213.900, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99, 1-3-01, 6-2-02, 4-14-03, 10-12-08, 6-29-11, 12-31-13, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Ashley Kung

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Noah Valenstein  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/08/2020  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/22/2020

Tallahassee, Florida 32399-3258 or Jessica.Sapp@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NOS.: RULE TITLES:

64B5-2.013 Florida Dental Examinations

64B5-2.0135 Dental Hygiene Examination

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the rules based on 2020 legislation (HB 713).

SUMMARY: The rules will be updated based on 2020 legislation (HB 713).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.017(1)(b), 466.004(4), 466.006(5)(a) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.006(5)(a), 466.007 466.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica Sapp, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08,

64B5-2.013 Dental Examination.

Each applicant applying for a Florida dental license is required to complete the examinations as provided for in Section 466.006, F.S. The Florida examinations for dentistry shall consist of a Written Examination, a Practical or Clinical Examination and a Diagnostic Skills Examination. All three examinations will be conducted in English. Applicants for examination or re-examination must have taken and successfully completed ~~Part I and Part II~~ of the National Board of Dental Examiners dental examination.

(1) Practical or Clinical Examination:

(a) No change.

~~(b) The ADEX shall be administered in the State of Florida and shall be graded by Florida licensed dentists.~~

~~(b)(e)~~ All parts of the ADEX ~~ADLEX~~ shall be completed within eighteen (18) months from the initial start of any portion of the examination. A failure to complete all parts of the examination within eighteen (18) months will require the applicant to retake the entire examination.

~~(c)(d)~~ Each part of the ADEX ~~ADLEX~~ shall be completed with a grade of at least seventy-five (75%) percent.

~~(d)(e)~~ Provided the Board of Dentistry maintains representation on the Board of Directors of the American Board of Dental Examiners, Inc., and the Examination Development Committee of the American Board of Dental Examiners Inc., the practical or clinical examination procedures, standards, and criteria of the ADEX ~~ADLEX~~ are approved.

~~(e)(f)~~ If any portion of the clinical or practical portion of the ADEX ~~ADLEX~~ exam was completed in a jurisdiction other than Florida, applicants must comply with the applicable provisions of Sections 466.006(4)(b)3. and 466.006(6), F.S., Rules 64B5-2.0150 and 64B5-2.0152, F.A.C.

~~(f)(g)~~ No change.

(2) No change.

Rulemaking Authority 456.017(1)(b), 466.004(4), 466.006(5)(a) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.006(5)(a), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, 6-28-09, 8-25-10, 5-8-12, 2-25-15, \_\_\_\_\_.

64B5-2.0135 Dental Hygiene Examination.

(1) Practical or Clinical Examination:

(a) Currently, the Florida practical or clinical examination is the Dental Hygiene Examination developed by the American

Board of Dental Examiners, Inc. (ADEX) and administered by the Commission on Dental Competency Assessment (CDCA) North Eastern Regional Board, Inc. (NERB). Any ADEX Dental Hygiene Examination administered after June 1, 2010, will meet the clinical or practical examination requirement, regardless of the jurisdiction in which the exam was administered.

(b) through (d) No change.

(2) Laws and Rules Examination:

(a) through (c) No change.

(d) All parts of the ADEX shall be completed within eighteen (18) months from the initial start of any portion of the examination. A failure to complete all parts of the examination within eighteen (18) months will require the applicant to retake the entire examination.

(3) Grading, Passing Results, and Time Requirements:

~~(a) The practical or clinical examination administered in the State of Florida shall be graded by Florida licensed dentists and hygienists.~~

~~(a)(b)~~ through ~~(b)(c)~~ No change.

(4) No change.

Rulemaking Authority 466.004(4) FS. Law Implemented 466.007 FS. History—New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01, 7-6-05, 12-31-09, 10-10-10, 12-28-11, 8-8-12, 1-27-15, 9-1-15,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 29, 2020

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-5.001  
 RULE TITLE: Requirements for Reactivation of an Inactive or Retired License

PURPOSE AND EFFECT: The Board proposes a rule amendment that eases the burden on licensees through the end of the license renewal biennium ending November 2021 by temporarily waiving the in-person requirement for continuing education, and clarifies the documentation options for the applicant.

SUMMARY: The proposed rule temporarily modifies the limit on home study continuing education for reactivation of an inactive or retired license, and clarifies the documentation

options for the applicant reactivating their inactive or retired license.

**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: 486.025, 486.085(3), (4)(a), 486.108(3), 456.036 FS.

LAW IMPLEMENTED: 486.085, 486.108, 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-5.001 Requirements for Reactivation of an Inactive or Retired License.

An inactive or retired license shall be reactivated upon receipt by the Board office of the following:

(1)(a) Through (1)(c) No change.

(d) The change of status fee as specified by subsection 64B17-2.001(10), F.A.C.; and

(2) Documentation of compliance with all continuing education requirements as provided in Rule 64B17-9.001, F.A.C., including prevention of medical errors, for the biennium during which the licensee last held an active license; and;

(3)(a) Documentation of completion of ten (10) hours of continuing education for each year the license was inactive, including two (2) hours on the prevention of medical errors. No more than six (6) hours of continuing education may be completed by home study or online per year of inactive status. During the period December 1, 2019 - December 1, 2021, all required continuing education may be completed by home study or online. As part of the ten (10) hours of continuing education, the applicant must document completion of two (2) hours of continuing education specifically on Florida Physical Therapy Laws and Rules within the twelve (12) months immediately preceding application for reactivation. In lieu of two (2) hours of continuing education specifically on Florida Physical Therapy Laws and Rules, the applicant may receive two (2) hours of continuing education for taking and passing, within twelve (12) months immediately preceding application for reactivation, the Florida laws and rules examination developed by the FSBPT; or

(b) Documentation that the applicant is licensed and in good standing in another state and has actively engaged in the practice of physical therapy for the four (4) years immediately preceding application for reactivation. For purposes of this paragraph, “actively engaged in the practice of physical therapy” means the applicant practiced at least four hundred (400) hours per year in a state or states where the applicant maintained licensure; or

(c) No change.

Rulemaking Authority 486.025, 486.085(3), (4)(a), 486.108(3), 456.036 FS. Law Implemented 486.085, 486.108, 456.036 FS. History—New 8-6-84, Formerly 21M-8.11, Amended 9-22-87, 12-30-87, 6-20-89, Formerly 21M-8.011, Amended 3-24-93, Formerly 21MM-5.001, 61F11-5.001, Amended 12-22-94, 4-4-95, 8-16-95, 7-1-97, Formerly 59Y-5.001, Amended 8-9-04, 7-19-06, 1-8-08, 8-18-08, 9-30-15, 10-16-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 09, 2020

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:

64B17-7.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes a rule amendment that updates and clarifies disciplinary guidelines and sets forth new disciplinary guidelines for telehealth violations.

SUMMARY: The proposed rule amendment updates and standardizes disciplinary guidelines in a new format and adds telehealth disciplinary guidelines.

**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: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3252, or by email at allen.hall@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 64B17-7.001 follows. See Florida Administrative Code for present text.

64B17-7.001 Disciplinary Guidelines.

(1) When the Board finds that an applicant or licensee whom it regulates under Chapter 486 or Section 456.47, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties for each count or separate offense, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. As part of a final order imposing appropriate penalties, the Board shall consider requiring an applicant or licensee to attend Board meetings, perform community service, take described continuing education courses, or take and pass the applicable jurisprudence examination. The identification of offenses is descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For Florida licensees, probation may include specific compliance conditions, and conditions of probation may be required following any period of suspension of license. For out-of-state telehealth registrants, a suspension of practice may include a corrective action plan. A corrective action plan may include continuing education, passage of the Florida laws and rules exam, monitored practice, restricted practice, periodic reports to the Board, an appearance before the Board, restitution, or other corrective action deemed necessary by the Board for the health, safety, and welfare of the public. For Florida applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) Section 486.125(1)(a) or 456.072(1)(z), F.S.: Unable to practice with reasonable skill and safety.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine, three (3) years of probation, and referral for a PRN evaluation</u>	<u>\$5,000 fine, suspension for one (1) year followed by up to five (5) years of probation</u>
<u>Second and Subsequent Offenses</u>	<u>\$2,000 fine, five (5) years of probation, and</u>	<u>\$10,000 fine and/or revocation</u>

	<u>referral for a PRN evaluation</u>	
<u>Telehealth Registrants:</u>		
<u>First Offense and Subsequent Offenses</u>	<u>Suspension for a minimum of one year; thereafter continued suspension until the provider can demonstrate to the Board the ability to practice with reasonable skill and safety; a corrective action plan</u>	<u>Revocation</u>

(b) Section 486.125(1)(b): Obtain license or telehealth registration by deceit, or Section 456.072(1)(h): Obtain or renew license or telehealth registration by bribery, fraudulent misrepresentation, or an error of the department or the Board.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense (Deceit/Bribery)</u>	<u>\$500 fine and/or up to two (2) years of probation</u>	<u>\$5,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses (Deceit/Bribery)</u>	<u>\$5,000 fine and/or up to two (2) years of probation</u>	<u>\$7,500 fine and/or revocation</u>
<u>First Offense (Fraudulent Misrepresentation)</u>	<u>\$10,000 fine and six (6) months of probation</u>	<u>\$10,000 fine and revocation</u>
<u>Second and Subsequent Offenses (Fraudulent Misrepresentation)</u>	<u>\$10,000 fine and revocation</u>	<u>\$10,000 fine and revocation</u>
<u>First Offense (Dep't or Board Error)</u>	<u>Letter of concern and/or \$500 fine</u>	<u>Revocation</u>
<u>Second and Subsequent Offenses (Dep't or Board Error)</u>	<u>\$5,000 fine</u>	<u>Revocation</u>
<u>Telehealth Registrants:</u>		
<u>First and Subsequent Offenses (Deceit/Bribery)</u>	<u>Two (2) years suspension with a corrective action plan</u>	<u>Revocation</u>

Second and Subsequent Offenses (Deceit/Bribery)	Three (3) years suspension with a corrective action plan	Revocation
First Offense (Fraudulent Misrepresentation)	Five (5) years suspension with a corrective action plan	Revocation
Second Offense (Fraud Misrepresentation)	Revocation	Revocation
First Offense (Dep't or Board Error)	Letter of Concern	Revocation
Second and Subsequent Offenses (Dep't or Board Error)	Reprimand	Revocation

(c) Section 486.125(1)(c) or 456.072(1)(c), F.S.: Guilty or convicted of a crime that relates to the practice or the ability to practice.

	MINIMUM	MAXIMUM
First Misdemeanor Offense	\$1,500 fine and six (6) months of probation	\$5,000 fine and a one (1) year suspension with conditions
Second and Subsequent Misdemeanor Offenses	\$2,500 fine and one (1) year of probation	\$10,000 fine and/or revocation
First Felony Offense	\$5,000 fine and two (2) years of probation	\$10,000 fine and/or revocation
Second and Subsequent Felony Offenses	Revocation	Revocation
<u>Telehealth Registrants:</u>		
First Misdemeanor Offense	Six (6) months suspension	Two (2) years suspension with a corrective action plan
Second and Subsequent Misdemeanor Offenses	One (1) year suspension with a corrective action plan	Five (5) year suspension and a corrective action plan
First Felony Offense	Five (5) years suspension with a corrective action plan	Revocation

Second and Subsequent Felony Offenses	Revocation	Revocation
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(d) Section 486.125(1)(d), F.S.: Treatment of ailments by means other than physical therapy.

	MINIMUM	MAXIMUM
First Offense	\$1,000 fine and one (1) year of probation	\$5,000 fine and one (1) year suspension followed by probation
Second and Subsequent Offenses	\$2,000 fine and one (1) year of probation	\$8,000 fine and/or revocation
<u>Telehealth Registrants:</u>		
First Offense	One (1) year suspension with a corrective action plan	Five (5) years suspension with a corrective action plan
Second and Subsequent Offenses	Five (5) years suspension	Revocation

(e) Section 486.125(1)(e) or 456.072(1)(b), F.S.: Failure to maintain acceptable standards of practice as set forth in Board rules.

	MINIMUM	MAXIMUM
First Offense	\$1,000 fine and letter of concern	\$6,000 fine and/or two (2) years of suspension followed by two (2) years of probation
Second Offense	\$2,000 fine and six (6) months of probation	\$10,000 fine and/or revocation
<u>Telehealth Registrants:</u>		
First Offense	One (1) year suspension with a corrective action plan	Five (5) years suspension with a corrective action plan
Second Offense	Five (5) years suspension with a corrective action plan	Revocation

(f) Section 486.125(1)(f) or 456.072(1)(dd) through a violation of 456.054, F.S.: Engage in unlawful fee splitting or solicitation.

	MINIMUM	MAXIMUM
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<u>First Offense</u>	<u>\$1,000 fine and/or one (1) year of probation</u>	<u>\$8,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$5,000 fine and/or six (6) months suspension</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Two (2) years suspension with a corrective action plan</u>	<u>Five (5) years suspension with a corrective action plan or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>

(g) Section 486.125(1)(g) or 456.072(1)(f), F.S.: License acted against in another jurisdiction.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First and Subsequent Offenses</u>	<u>Action consistent with the disciplinary guidelines for the offense that would have been imposed had the violation occurred in the State of Florida</u>	<u>Action consistent with the disciplinary guidelines for the offense that would have been imposed had the violation occurred in the State of Florida</u>
<u>Telehealth Registrants:</u>		
<u>First and Subsequent Offenses</u>	<u>Action consistent with the disciplinary guidelines for the offense that would have been imposed had the violation occurred in the State of Florida</u>	<u>Action consistent with the disciplinary guidelines for the offense that would have been imposed had the violation occurred in the State of Florida</u>

(h) Section 486.125(1)(h) or 456.072(1)(q), F.S.: Violation of an order or subpoena.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and a letter of concern</u>	<u>\$10,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$5,000 fine and/or two (2) years of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		

<u>First Offense</u>	<u>Six (6) months suspension with a corrective action plan; compliance within 30 days</u>	<u>Two (2) years suspension with a corrective action plan; compliance within 30 days; and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>Five (5) years suspension with a corrective action plan; compliance within 30 days</u>	<u>Revocation</u>

(i) Section 486.125(1)(i) or 456.072(1)(l), F.S.: Negligent filing of false report; Willful filing of false report, impeding, or inducing another to file false report.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Negligent Offense</u>	<u>\$1,000 fine</u>	<u>\$5,000 fine and two (2) years of probation</u>
<u>Second Negligent Offense</u>	<u>\$2,500 fine and a reprimand</u>	<u>\$10,000 fine and/or two (2) years suspension followed by two years of probation</u>
<u>Third and Subsequent Negligent Offenses</u>	<u>\$5,000 fine and/or six (6) months suspension followed by two (2) years of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>First Willful Offense</u>	<u>\$5,000 fine and/or six (6) months suspension followed by six (6) months of probation</u>	<u>\$10,000 fine and/or Revocation</u>
<u>Second and Subsequent Willful Offenses</u>	<u>\$10,000 fine and/or suspension for two (2) years followed by two years of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Negligent Offense</u>	<u>One (1) month suspension with a corrective action plan</u>	<u>Six (6) months suspension with a corrective action plan</u>
<u>Second Negligent Offense</u>	<u>One (1) year suspension with a corrective action plan</u>	<u>Six (6) months suspension with a corrective action plan</u>

<u>Third and Subsequent Negligent Offenses</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>First Willful Offense</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second and Subsequent Willful Offenses</u>	<u>Revocation</u>	<u>Revocation</u>

(j) Section 486.125(1)(j) or 456.072(1)(o), F.S.: Practice or offer to practice beyond the scope permitted or competent to perform.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$2,500 fine and/or one (1) year of probation</u>	<u>\$10,000 fine and two (2) year suspension followed by two (2) years of probation</u>
<u>Second and Subsequent Offenses</u>	<u>\$5,000 fine and/or six (6) months suspension followed by one year of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>One (1) year suspension with a corrective action plan</u>	<u>Five (5) years suspension with a corrective action plan</u>
<u>Second and Subsequent Offenses</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>

(k) Section 486.125(1)(k) or 456.072(1)(dd), F.S.: Violation of this chapter, Chapter 456, F.S., or any rules adopted pursuant thereto.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and/or a letter of concern</u>	<u>\$5,000 fine and/or two (2) year suspension followed by two (2) years of probation</u>
<u>Second Offense</u>	<u>\$5,000 fine and/or two (2) years of probation</u>	<u>\$10,000 fine and/or revocation</u>

<u>Subsequent Offenses</u>	<u>\$7,500 fine and/or six (6) months of suspension followed by probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Six (6) months suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second Offense</u>	<u>Two (2) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Subsequent Offenses</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>

(l) Section 486.125(1)(b): Commit fraud in the practice of physical therapy, or Section 456.072(1)(a), F.S.: make misleading, deceptive, or fraudulent representations in or related to the practice.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense (Misleading or Deceptive Practice)</u>	<u>\$2,000 fine and six (6) months of probation</u>	<u>\$5,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses (Misleading or Deceptive Practice)</u>	<u>\$5,000 fine and three (3) years probation</u>	<u>\$7,500 fine and revocation</u>
<u>First Offense (Fraudulent Practice)</u>	<u>\$10,000 fine and six (6) months of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses (Fraudulent Practice)</u>	<u>\$10,000 fine and three (3) years probation</u>	<u>\$10,000 fine and revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense (Misleading or Deceptive Practice)</u>	<u>One (1) year suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second and Subsequent Offenses</u>	<u>Five (5) years suspension with a</u>	<u>Revocation</u>

(Misleading or Deceptive Practice)	corrective action plan	
First Offense (Fraudulent Practice)	Ten (10) years suspension with a corrective action plan	Revocation
Second and Subsequent Offenses (Fraudulent Practice)	Revocation	Revocation

(m) Section 456.072(1)(d), F.S.: Improper use of laser device.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
First Offense	\$2,000 fine and/or one (1) year of probation	\$10,000 fine and three (3) years suspension followed by two (2) years of probation
Second and Subsequent Offenses	\$5,000 fine and six (6) months suspension followed by two (2) years of probation	\$10,000 fine and/or revocation

(n) Section 456.072(1)(e), F.S.: Failure to comply with HIV/AIDS course requirement.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
First Offenses	\$1,000 fine, a letter of concern, and completion of the course	\$3,000 fine and/or one (1) year suspension followed by two (2) years of probation, and completion of the course

(o) Section 456.072(1)(g), F.S.: Civil liability found for filing a false report against another licensee.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
First Offense	\$1,000 fine and a reprimand	\$3,000 fine and/or three (3) years of probation
Second and Subsequent Offenses	\$2,500 fine and one (1) year of probation	\$10,000 fine and/or revocation
<u>Telehealth Registrants:</u>		

First Offense	One (1) year suspension with a corrective action plan	Three (3) years suspension with a corrective action plan
Second and Subsequent Offenses	Five (5) years suspension with a corrective action plan	Revocation

(p) Section 456.072(1)(i), F.S.: Failure to report health care violator.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
First Offense	\$500 fine and letter of concern	\$2,500 fine and/or one (1) year of probation
Second and Subsequent Offenses	\$2,500 fine and six (6) months probation	\$10,000 fine and/or revocation
<u>Telehealth Registrants:</u>		
First Offense	Six (6) months suspension	One (1) year suspension with a corrective action plan
Second and Subsequent Offenses	Two (2) years suspension with a corrective action plan	Revocation

(q) Section 456.072(1)(j), F.S.: Aiding unlicensed practice.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
First Offense	\$2,000 fine and/or one (1) year of suspension	\$5,000 fine and/or revocation
Second and Subsequent Offenses	\$7,500 fine and/or one (1) year suspension followed by two (2) years of probation	\$10,000 fine and/or revocation
<u>Telehealth Registrants:</u>		
First Offense	Two (2) years suspension with a corrective action plan	Five (5) years suspension with a corrective action plan and/or Revocation
Second and Subsequent Offenses	Five (5) years suspension with a corrective action plan	Revocation

(r) Section 456.072(1)(k), F.S.: Failure to perform statutory or legal obligation.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and a letter of concern</u>	<u>\$7,500 fine and/or one (1) year suspension followed by two (2) years of probation</u>
<u>Second Offense</u>	<u>\$2,500 fine and six (6) months of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Subsequent Offenses</u>	<u>\$7,500 and/or one (1) year suspension followed by two (2) years of probation</u>	<u>\$10,000 fine and/or revocation</u>

Telehealth Registrants:

<u>First Offense</u>	<u>Six (6) months suspension and fulfillment of statutory or legal obligation within 30 days; corrective action plan</u>	<u>Two (2) years suspension and fulfillment of legal obligation within 30 days; corrective action plan</u>
<u>Second Offense</u>	<u>Three (3) years suspension and fulfillment of statutory or legal obligation within 30 days; corrective action plan</u>	<u>Revocation</u>
<u>Subsequent Offenses</u>	<u>Five (5) years suspension and fulfillment of legal obligation within 30 days; corrective action plan</u>	<u>Revocation</u>

(s) Section 456.072(1)(m), F.S.: Making deceptive, untrue, or fraudulent representations or employing a trick or scheme in any profession.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense (Deceptive, Untrue)</u>	<u>\$2,000 fine and six (6) months of probation</u>	<u>\$5,000 fine and one (1) year suspension</u>

		<u>followed by two (2) years of probation</u>
<u>Second and Subsequent Offenses (Deceptive, Untrue)</u>	<u>\$5,000 fine and two (2) years probation</u>	<u>\$7,500 fine and revocation</u>
<u>First Offense (Fraudulent Representation)</u>	<u>\$10,000 fine and six (6) months of probation</u>	<u>\$10,000 fine and one (1) year suspension followed by two (2) years of probation</u>
<u>Second and Subsequent Offenses (Fraudulent Representation)</u>	<u>\$10,000 fine and two (2) years of probation</u>	<u>\$10,000 fine and revocation</u>

Telehealth Registrants:

<u>First Offense (Deceptive, Untrue)</u>	<u>One (1) year suspension with a corrective action plan</u>	<u>Five (5) years suspension with a corrective action plan</u>
<u>Second and Subsequent Offenses (Deceptive, Untrue)</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>First Offense (Fraudulent Representation)</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second and Subsequent Offenses (Fraudulent Representation)</u>	<u>Revocation</u>	<u>Revocation</u>

(t) Section 456.072(1)(n), F.S.: Exploit patient for financial gain.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine, six (6) months of probation, and restitution to the patient or patient's family</u>	<u>\$10,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$2,500 fine, two (6) years of probation, and</u>	<u>\$10,000 fine and/or revocation</u>

	<u>restitution to the patient or patient's family</u>	
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Five (5) years suspension with a corrective action plan that includes restitution to the patient or patient's family</u>	<u>Revocation and restitution to the patient or patient's family</u>
<u>Second Offense</u>	<u>Revocation and restitution to the patient or patient's family</u>	<u>Revocation and restitution to the patient or patient's family</u>

(u) Section 456.072(1)(p), F.S.: Improper delegation of professional responsibilities.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and/or six (6) months of probation</u>	<u>\$5,000 fine and three (3) years suspension followed by three (3) years of probation</u>
<u>Second and Subsequent Offenses</u>	<u>\$5,000 fine and/or one (1) year suspension followed by two (2) years of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>One (1) year suspension with a corrective action plan</u>	<u>Five (5) years suspension with a corrective action plan</u>
<u>Second and Subsequent Offenses</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>

(v) Section 456.072(1)(r), F.S.: Improper interference with investigation, inspection, or discipline.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and/or one (1) year of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$2,500 fine and three (3) months suspension</u>	<u>\$10,000 fine and/or revocation</u>

	<u>followed by two (2) years of probation</u>	
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Two (2) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second and Subsequent Offenses</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>

(w) Section 456.072(1)(v), F.S.: Sexual misconduct.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$5,000 fine, six (6) months of probation, and/or a PRN referral for evaluation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$7,500 fine, three (3) years of probation, and a PRN referral for evaluation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First and Subsequent Offenses</u>	<u>Suspension until the provider can demonstrate to the Board the ability to practice with reasonable skill and safety; a corrective action plan</u>	<u>Revocation</u>

(x) Section 456.072(1)(x), F.S.: Failure to comply with 30-day notification to the Board of convictions and nolo pleas.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and/or a letter of concern</u>	<u>\$3,000 and/or one (1) month suspension followed by two (2) years of probation</u>
<u>Second and Subsequent Offenses</u>	<u>\$3,000 fine and two (2) years of probation</u>	<u>\$10,000 and/or revocation</u>
<u>Telehealth Registrants:</u>		

<u>First Offense</u>	<u>Six (6) months suspension with a corrective action plan</u>	<u>Two (2) years suspension with a corrective action plan</u>
<u>Second Offense</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>

<u>Second Offense</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
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(aa) Section 456.072(1)(hh), F.S.: Being terminated from or failing to successfully complete an impaired practitioners treatment program.

(y) Section 456.072(1)(aa): Positive results on a pre-employment or employer ordered drug screening.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$500 fine and two (2) years of probation and/or referral for a PRN evaluation</u>	<u>\$10,000 fine and one (1) year suspension followed by five (5) years probation</u>
<u>Second and Subsequent Offenses</u>	<u>\$1,500 fine and two (2) years of probation and/or referral for a PRN evaluation</u>	<u>\$10,000 fine and/or revocation</u>

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>Any Offense</u>	<u>Suspension until able to demonstrate before the Board compliance with PRN</u>	<u>Revocation</u>

Telehealth Registrants:

<u>First and Subsequent Offenses</u>	<u>Suspension until the provider can demonstrate to the Board the ability to practice with reasonable skill and safety; a corrective action plan</u>	<u>Revocation</u>
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Telehealth Registrants:

<u>Any Offense</u>	<u>Suspension until able to demonstrate to the Board compliance with a Board approved professional's assistance program</u>	<u>Revocation</u>
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(bb) Section 486.125(1)(k) or Section 456.072(1)(dd) through a violation of 456.036(1), F.S.: Practicing on a delinquent, inactive, or retired status license or registration.

(z) Section 456.072(1)(bb), F.S.: Wrong patient, site, or unnecessary treatment.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and/or a reprimand</u>	<u>\$10,000 fine and/or three (3) months suspension followed by three (3) years of probation</u>
<u>Second and Subsequent Offenses</u>	<u>\$3,000 fine and/or one (1) year of probation</u>	<u>\$10,000 fine and/or revocation</u>

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and/or a letter of concern</u>	<u>\$5,000 fine and/or two (2) years suspension followed by two (2) years of probation</u>
<u>Second Offense</u>	<u>\$5,000 fine and/or two (2) years of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Subsequent Offenses</u>	<u>\$7,500 fine and/or six (6) months suspension followed by probation</u>	<u>\$10,000 fine and/or revocation</u>

Telehealth Registrants:

<u>First Offense</u>	<u>Two (2) years suspension with a corrective action plan</u>	<u>Five (5) years suspension with a corrective action plan</u>
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Telehealth Registrants:

<u>First Offense</u>	<u>Suspension until home state license is clear and active; a corrective action plan</u>	<u>Five (5) additional years suspension with a corrective action plan</u>
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<u>Second and Subsequent Offenses</u>	<u>Suspension until home state license is clear and active; _____ a corrective action plan; Five (5) additional years suspension with a corrective action plan</u>	<u>Revocation</u>
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(cc) Section 456.072(1)(t), F.S.: Failing to identify through written notice or orally to a patient the type of license under which the practitioner is practicing.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and a letter of concern</u>	<u>\$5,000 fine and/or one (1) year of probation</u>
<u>Second and Subsequent Offenses</u>	<u>\$5,000 fine and two (2) years of probation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>One (1) year suspension with a corrective action plan</u>	<u>Five (5) years suspension with a corrective action plan</u>
<u>Second Offense</u>	<u>Two (2) years suspension with a corrective action plan</u>	<u>Revocation</u>

(dd) Section 456.072(1)(ii), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to, a crime under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$5,000 fine, reprimand, and six (6) months of probation</u>	<u>\$10,000 fine and revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$10,000 fine and revocation</u>	<u>\$10,000 fine and revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Five (5) years suspension and a corrective action plan</u>	<u>Revocation</u>
<u>Second Offense</u>	<u>Revocation</u>	<u>Revocation</u>

(ee) Section 456.072(1)(jj), F.S.: Failing to return an overpayment from the Medicaid program.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine, reprimand and/or suspension until the Medicaid program is reimbursed in full</u>	<u>\$10,000 fine and revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$5,000 fine and suspension until the Medicaid program is reimbursed in full</u>	<u>\$10,000 fine and revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Suspension until the Medicaid program is reimbursed in full plus an additional five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second and Subsequent Offenses</u>	<u>Revocation</u>	<u>Revocation</u>

(ff) Section 456.072(1)(kk), F.S.: Being terminated from the state Medicaid program pursuant to Section 409.913, F.S.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and reprimand and/or six (6) months of probation</u>	<u>\$10,000 fine and revocation</u>
<u>Second Offense or Terminated for cause</u>	<u>\$10,000 fine and revocation</u>	<u>\$10,000 fine and revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second Offense or Terminated for cause</u>	<u>Revocation</u>	<u>Revocation</u>

(gg) Section 456.072(1)(ll), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to a crime related to health care fraud.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Misdemeanor Offense</u>	<u>\$10,000 fine and/or revocation</u>	<u>\$10,000 fine and revocation</u>
<u>Second Misdemeanor Offense or Felony Offense under Chapters 409 and 817, F.S., 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396</u>	<u>\$10,000 fine and revocation</u>	<u>\$10,000 fine and revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Misdemeanor Offense</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second Misdemeanor Offense or Felony Offense under Chapters 409 and 817, F.S., 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396</u>	<u>Ten (10) years suspension with a corrective action plan</u>	<u>Revocation</u>

(hh) Section 456.072(1)(oo), F.S.: Willfully failing to comply with Section 627.6419 or 641.513, F.S., with such frequency as to indicate a general business practice.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$1,000 fine and a reprimand</u>	<u>\$10,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$2,500 fine and/or revocation</u>	<u>\$10,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Two (2) years suspension with a corrective action plan</u>	<u>Five (5) years suspension with a corrective action plan</u>
<u>Second Offense</u>	<u>Five (5) years suspension with a corrective action plan</u>	<u>Revocation</u>

(2) In determining what action is appropriate, the Board shall first consider what sanctions are necessary to protect the public or to compensate the patient. The Board shall then consider mitigating or aggravating circumstances in applying a penalty that is outside of the range provided for in the disciplinary guidelines including:

- (a) The danger to the public;
- (b) The number of distinct charges;
- (c) The actual damage, physical or otherwise, to the patient(s);
- (d) The length of time since the date of the last violation(s);
- (e) The length of time that the licensee has held a license in any jurisdiction;
- (f) The deterrent effect of the penalty imposed;
- (g) Rehabilitation efforts of the licensee including remorse, restitution, and corrective action(s);
- (h) The effect of the penalty on the licensee’s livelihood;
- (i) Efforts of the licensee to report or stop violations or the failure of the licensee to correct or stop violations;
- (j) The willfulness and/or negligence of the licensee pertaining to any violation;
- (k) Any other mitigating or aggravating circumstances.

Rulemaking Authority 456.036, 456.072, 456.079, 456.47(7), 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 456.47, 486.125 FS. History—New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06, 2-5-07, 4-5-07, 6-27-07, 6-30-10, 6-18-12, 2-6-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2020  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 29, 2020

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Agency for Persons with Disabilities**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65G-14.001	Definitions.
65G-14.002	Qualifications.
65G-14.003	Agency Monitoring and Oversight.
65G-14.004	Qualified Organization Duties and Responsibilities – Oversight of Support Coordinators.
65G-14.0041	Qualified Organization Duties and Responsibilities – Code of Ethics.
65G-14.0042	Qualified Organization Duties and Responsibilities – Disciplinary Process.
65G-14.0043	Qualified Organization Duties and Responsibilities – Mentoring Program.
65G-14.005	Disciplinary Action.

**PURPOSE AND EFFECT:** The purpose and effect of these new rules is to ensure that Support Coordinators have the knowledge, skills, and abilities necessary to competently provide services to persons with developmental disabilities. These rules will implement and interpret statutory changes pursuant to Chapter 2020-71, Laws of Florida, regarding Qualified Organizations and Support Coordinators.

**SUMMARY:** These new rules include requirements for Qualified Organizations, including minimum requirements for each Qualified Organization’s code of ethics, disciplinary process, and mentoring program, as well as what and when Qualified Organizations must report to the Agency. These rules also address a Qualified Organization’s violation(s) of Agency rule(s) or statute(s) and the range of actions the Agency may take in response.

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

The Agency has determined that this will 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 rules have an adverse impact on small business but are not likely to increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of each rule. These rules are necessary to clearly and consistently implement 2020-071, Laws of Florida, lest the Agency be found to be operating under an unadopted rule. Given the statutory requirements, the Agency determined each rule does 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: A SERC Checklist and SERC were prepared by the Agency to determine the need for legislative ratification. Based on this information at the time of the analysis, summarized above, and pursuant to section 120.541, Fla. Stat., the rules will not require legislative ratification because costs will not be in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.

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:** 393.501(1), 393.0663(5), FS.

**LAW IMPLEMENTED:** 393.0662, 393.0663, 393.063, FS.

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

**DATE AND TIME:** January 20, 2021, 10:00 a.m. to 12:00 p.m. EST

**PLACE:** Attendees may register for the hearing at:

<https://attendee.gotowebinar.com/register/7913678178287653899>. After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Danielle Thompson at (850)922-4556 or [Danielle.Thompson@apdcares.org](mailto:Danielle.Thompson@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). 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:** Danielle Thompson, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, (850)922-4556, [Danielle.Thompson@apdcares.org](mailto:Danielle.Thompson@apdcares.org).

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

65G-14.001 Definitions

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

(2) “Clearinghouse” means a database created and maintained by the Agency for Health Care Administration that allows the results of criminal history checks to be shared among specified agencies according to section 435.12, Florida Statutes (F.S.).

(3) “Code of Ethics” means a set of values, standards, and principles to guide decision-making and everyday professional conduct of Support Coordinators employed by a Qualified Organization.

(4) “Consultant” shall have the same meaning as in the Consumer-Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook (“CDC+ Handbook”), as adopted by Rule 59G-13.088, Florida Administrative Code (F.A.C.).

(5) “Consumer-Directed Care Plus Program” or “CDC+ Program” means a consumer-directed program that provides an alternative to the Medicaid State Plan and the Home and Community-Based Services Medicaid Waiver (also known as the iBudget Waiver). The CDC+ Program operates under the authority of section 1915(j) of the Medicaid State Plan Amendment of the Social Security Act and is governed by Title 42 of the Code of Federal Regulations, Part 441, and sections 409.221 and 393.0662(2) and (7), F.S.

(6) “Corrective Action” means any act of remediation that the Qualified Organization is required to complete in response to any state or federal regulatory agency’s or its representative’s findings of unacceptable performance, nonperformance, or noncompliance with the terms and conditions of this chapter, Rules 65G-4.0213 through 4.0218, F.A.C. (“iBudget Rules”), Chapter 65G-10, F.A.C., section 393.0663, F.S., or the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook.

(7) “Corrective Action Plan” means a plan prepared by the Qualified Organization and approved by the Agency by which the corrective action will be accomplished. A Corrective Action Plan has the same meaning as a Plan of Remediation.

(8) “Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook” or “iBudget Handbook” refers to the handbook incorporated by reference in Rule 59G-13.070, Florida Administrative Code.

(9) “Home and Community Based Services Waiver” or “Waiver” means the Medicaid waiver authorized by 42 U.S.C. 1396n(c) of the federal Social Security Act and Section 409.906, F.S., that provides Medicaid funding for home and community based services to eligible persons with developmental disabilities who are eligible for Agency services and who live at home or in a home-like setting.

(10) “Home Region” means the Region in which the applicant submitted its application to become a Qualified Organization and where services will be rendered by the Qualified Organization, if approved. If the applicant wishes to render services in multiple Regions, only one application must be submitted to the Home Region as described in Rule 65G-14.002, F.A.C.

(11) “iConnect” means the Agency’s designated data management system as described in section 393.066(2), F.S.

(12) “Legal Representative” means:

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

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

(13) “Medicaid Waiver Services Agreement” or “MWSA” means the contract between the Agency and providers of Medicaid Waiver services to Agency clients, as defined in section 393.063(7), F.S.

(14) “Mentee” means a person employed by a Qualified Organization who is guided, advised, or trained by a mentor.

(15) “Mentor” means a Support Coordinator employed and designated by a Qualified Organization who uses his or her knowledge, skills, and experience to guide, advise, or train a mentee employed by the same Qualified Organization.

(16) “Ombudsman” means the Agency’s primary point of contact for addressing issues of concern or unresolved issues expressed by clients, legal representatives, providers, and other external stakeholders.

(17) “Qualified Organization” shall have the same meaning as in section 393.0663(2), F.S.

(18) “Quality Improvement Organization” or “QIO” means a group of health quality experts, clinicians, and consumers contracted with the Agency for Health Care Administration and organized to improve the quality of care delivered to Agency clients.

(19) “Region” means one of six designated local geographical areas served by the Agency. There are six regions across the state of Florida: Northwest, Northeast, Central, Suncoast, Southeast, and Southern.

(20) “Regional Office” means one of the Agency’s offices serving a Region. The contact information for each Regional Office is designated on the Agency’s website.

(21) “Sexual Misconduct” shall have the same meaning as in section 393.135, F.S.

(22) “Support Coordinator” shall have the same meaning as in section 393.063, F.S. and the CDC+ Handbook.

(23) “Waiver Support Coordinator” refers to a Support Coordinator who assists clients enrolled on the Medicaid Home and Community-Based Services Waiver.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(2), 393.063, F.S. History—New 7-1-21.

#### 65G-14.002 Qualifications.

(1) Each Qualified Organization must meet the requirements of section 393.0663, F.S., this Rule Chapter, and the iBudget Handbook, and be approved by the Agency. A provider agency, as described in the iBudget Handbook, which provides support coordination services prior to the effective date of this rule must apply to and be approved by the Agency before it can be designated as a Qualified Organization.

(2) Application for Approval. Any business entity that wishes to become a Qualified Organization must submit the following to the appropriate Regional Office, which will be known as the applicant’s Home Region:

(a) A completed Qualified Organization Application, APD Form 65G-14.002 A, effective July 1, 2021, incorporated here by reference, and available at \_\_\_\_\_;

(b) A copy of the proposed code of ethics described in Rule 65G-14.0041, F.A.C.;

(c) A copy of the proposed disciplinary process described in Rule 65G-14.0042, F.A.C.;

(d) A copy of the proposed mentoring program described in Rule 65G-14.0043, F.A.C.;

(e) A copy of the proposed policies and procedures required by the iBudget Handbook for provider agencies;

(f) A copy of each prospective Support Coordinator’s provider application as described in Rule 65G-4.0215, F.A.C., or Medicaid Waiver Services Agreement (“MWSA”) for existing Support Coordinators; and

(g) A table of organization, including at minimum: the first and last name, position title, contact information including phone number and email address, Medicaid provider number (if applicable), and indicate full or part-time employment for all directors, supervisors, owners, operators, managers, or any other position that directly oversees the operations of any Qualified Organization in the State of Florida or who provides support coordination services regardless of contractual relationship, including a designated mentor(s). The table must indicate in which region each individual operates. If the Qualified Organization operates in multiple regions, the table

of organization must be organized by region and a point of contact must be designated for each region.

#### (3) Qualified Organization Leadership.

(a) Any directors, supervisors, owners, operators, and managers who directly oversee the operations of any Qualified Organization in the State of Florida must have at least a bachelor’s degree from an accredited college or university and two years of experience providing services to persons with developmental disabilities, regardless of whether that individual is an active Support Coordinator.

(b) Any directors, supervisors, owners, operators, and managers who directly oversee the operations of any Qualified Organization in the State of Florida must complete the Level 1 Training described in Rule 65G-10.004, F.A.C., regardless of whether they are Support Coordinators.

(c) Any directors, supervisors, operators, and managers who directly oversee Support Coordinators in the State of Florida must attend a minimum of six (6) monthly support coordinator meetings with Agency staff each year. These meetings can be attended in any region, although directors, supervisors, operators, and managers who directly oversee Support Coordinators in particular regions must attend at least one meeting in that region or regions each year.

#### (4) Approval, Denial, or Closure of Applications.

(a) The Agency will review the application and approve or deny complete applications within 90 days of receipt. The Agency will close incomplete applications and notify the applicant that it was closed because it was incomplete.

(b) The Agency will only consider complete applications that include all required information and meet the requirements delineated in this chapter, the iBudget Handbook, and section 393.0663, F.S. An application is complete upon the Agency’s receipt of all requested information and correction of any error or omission for which the applicant was notified.

(c) If the Agency receives an incomplete application, the Agency will notify the applicant. The applicant will have up to 45 calendar days from the date of the notice to submit the documentation, information, or make any corrections designated in the notice. If the applicant does not complete the application within 45 days of the notice, the application must be closed by the Agency. After an application is closed, all documentation and information submitted will no longer be considered, and a new complete application must be submitted for consideration by the Agency. The closure of an application is not Agency action. The closure of an application will not be considered substantively by the Agency in any subsequent application.

(5) Once the Agency approves a Qualified Organization, the two entities shall sign a MWSA. The Qualified Organization Medicaid Waiver Services Agreement, APD Form 65G-14.002 B, effective July 1, 2021, incorporated here

by reference, is available at \_\_\_\_\_. If the Qualified Organization intends to operate in multiple Regions, the applicant must indicate such in the application. The region in which the applicant submits the application will be considered the applicant's Home Region, which must be a region in which it provides services. The applicant and Agency representative in the Home Region will sign the Medicaid Waiver Services Agreement.

(6) A Qualified Organization that wishes to expand service provision geographically must comply with Rule 65G-4.0215, F.A.C.

(7) Each Qualified Organization must employ four or more Support Coordinators. If a Qualified Organization should be reduced to employing less than four Support Coordinators, the Qualified Organization has a maximum of 90 days to re-establish a minimum employment of four. For purposes of this rule, mentees count towards the minimum of four Support Coordinators.

(8) Renewal. Each Qualified Organization's MWSA must be renewed at least every five (5) years.

(a) The Qualified Organization must request renewal from the Regional Office at least 90 days prior to the expiration of the current MWSA. The failure to request renewal at least 90 days prior to the expiration of the current MWSA shall be considered a violation and may result in disciplinary action as described in Rule 65G-14.005, F.A.C.

(b) The Qualified Organization must submit the following documents to the pertinent Regional Office to request renewal:

1. The current signed MWSA;
2. The declaration page of general/professional liability insurance;
3. Proof of level 2 background screening; and
4. Local criminal records check.

(c) Failure to request renewal prior to expiration of the MWSA will require the Qualified Organization to submit a new application in accordance with paragraph (2) of this Rule.

(9) Failure to demonstrate compliance with section 393.0663, F.S., this Rule Chapter, and the iBudget Handbook will result in disciplinary action as described in Rule 65G-14.005, F.A.C., including denying renewal of the MWSA.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(2), 393.063 F.S. History—New 7-1-21.

65G-14.003 Agency Monitoring and Oversight.

(1) To enable the Agency to comply with section 393.0663(3), F.S., each Qualified Organization must report to

the Agency any violation of ethical or professional conduct by Support Coordinators employed by that organization within seven (7) calendar days of discovering the violation, unless the violation threatens the health and safety of a client(s). Any violation that could cause a client's physical, mental, or emotional health to be significantly impaired must be reported to the Agency within 24 hours of discovering the violation. Violations shall be treated as discovered by a Qualified Organization as of the first day on which such violation is known or by exercising reasonable diligence should have been known to the Qualified Organization. Each Qualified Organization is responsible for reporting violations that occur from the time of hiring each Support Coordinator. For the purposes of this section, a "violation of ethical or professional conduct" shall include any of the following actions on the part of a Support Coordinator:

(a) Unprofessional interactions with a client, legal representative, service provider, or Agency staff member as evidenced by documented or observed instances of screaming, yelling, cursing, or physical altercations as well as engaging or attempting to engage in verifiable romantic or sexual behavior with a client;

(b) Arrest for a disqualifying criminal offense as described in sections 393.0655(5) and 435.04(2), F.S.;

(c) Verified finding of abuse, neglect, exploitation, or abandonment;

(d) Falsification of documentation;

(e) Accidental or incidental unauthorized disclosure of a client's confidential or private information;

(f) Reckless or intentional unauthorized disclosure of a client's confidential or private information;

(g) Failure to perform support coordination duties necessary to comply with legal notices regarding client services, such as updating cost plans based on service determinations;

(h) Failure to perform support coordination duties, as required by statutes and administrative rules, including the iBudget Handbook, which jeopardize or are likely to jeopardize the health, safety, or welfare of a client;

(i) Borrowing, attempting to borrow, or accepting funds from a client or, if applicable, client's legal representative or family;

(j) Diverting clients to specific providers and not facilitating provider choice;

(k) Not maintaining updated and accurate contact and demographic information for clients and legal representatives in iConnect;

(l) Material or repeated occurrences of Support Coordinators making errors inputting data in iConnect; and

(m) Any violation of the Qualified Organization's code of ethics.

(2) To report a violation(s), the Qualified Organization must send an e-mail message to the Regional Office in the Region where the violation(s) occurred. Any violation involving abuse, neglect, exploitation, or abandonment of a client must also be immediately reported to the Florida Abuse Hotline in compliance with sections 415.1034 and 39.201, F.S. The e-mail to the Agency must include the following information:

(a) Name of the Qualified Organization;

(b) Name and Medicaid provider identification number of the Support Coordinator(s) with reported ethical or legal violation;

(c) A detailed description of the violation(s), including the date of the violation(s); how and when the Qualified Organization discovered the violation(s); and, if applicable, client(s) impacted and how they are impacted or affected as well as any individual(s) who witnessed or were involved with the violation(s);

(d) Action(s) taken by the Qualified Organization against the Support Coordinator(s); and

(e) Any action(s) taken by the Qualified Organization intended to reduce the likelihood of recurrence of the violation.

(3) All Qualified Organizations must maintain an active and accurate roster within the Clearinghouse to ensure all Support Coordinators have active and eligible level II background screenings. All Support Coordinators must complete level II background screening upon hire and maintain an eligible status within the Clearinghouse in accordance with section 393.0655 and chapter 435, F.S.

(4) If any client or, if applicable, his or her legal representative has a concern or complaint that the Qualified Organization has failed to resolve using their complaint and grievance procedure, then the client or legal representative may submit the complaint or grievance to the State Ombudsman at <https://apd.myflorida.com/contacts/>.

(5) The Qualified Organization shall provide each client or, if applicable, his or her legal representative, with an Invitation to Take a Client Satisfaction Survey, APD Form 65G-14.003 A, effective July 1, 2021 and incorporated here by reference, during each client's annual support plan meeting in compliance with the iBudget Handbook. The Invitation to Take a Client Satisfaction Survey is available at \_\_\_\_\_.

(6) A Qualified Organization's failure to properly report a known violation described in this Rule constitutes a separate and additional violation.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(3), 393.063 F.S. History— New 7-1-21.

65G-14.004 Qualified Organization Duties and Responsibilities – Oversight of Support Coordinators.

(1) Each Qualified Organization must comply with all requirements identified in section 393.0663, F.S., which includes ensuring that all Support Coordinator staff have the knowledge, skills, and abilities necessary to competently provide services to individuals with developmental disabilities. Each Qualified Organization must maintain and enforce standards and procedures to ensure that its Support Coordinators are complying with their duties and responsibilities as described in chapter 393, F.S.; title 65G, F.A.C.; the iBudget Handbook, and, if applicable, the CDC+ Handbook, including ensuring its Support Coordinators timely request renewal of their MWSA in accordance with the procedures established in Rule 65G-14.002(8), F.A.C. Qualified Organizations are responsible for promptly addressing complaints/compliance issues regarding its Support Coordinators' performance.

(2) Upon request by the Agency or making any material change, the Qualified Organization must submit the following documentation to any Regional Office(s) in which it provides services to demonstrate compliance with chapter 393, F.S., the iBudget Handbook, and this Rule Chapter:

(a) A copy of the code of ethics described in Rule 14.0041, F.A.C.;

(b) A copy of the disciplinary process described in Rule 14.0042;

(c) A copy of the mentoring program described in Rule 14.0043;

(d) A copy of the policies and procedures required by the iBudget Handbook for provider agencies; and

(e) Table of organization, including at minimum: the first and last name, position title, contact information including phone number and email address, Medicaid provider number (if applicable), and indicate full or part-time employment for all directors, supervisors, owners, operators, managers, or any other position that directly oversees the operations of any Qualified Organization in the State of Florida or who provides support coordination services regardless of contractual relationship, including a designated mentor(s). If the Qualified Organization operates in multiple regions, the table of organization must be organized by region and a point of contact must be designated for each region.

(3) Upon hiring a prospective Support Coordinator who does not have an active MWSA as a Support Coordinator, the Qualified Organization must submit the provider application as described in Rule 65G-4.0215, F.A.C. to the Regional Office

and, if applicable, the dual employment plan as described in the iBudget Handbook.

(4) Upon hiring a Support Coordinator with a Medicaid provider number or upon request by the Agency, the Qualified Organization must submit the following information regarding that Support Coordinator to the appropriate Regional Office that includes:

(a) The Support Coordinator's first and last name;

(b) The Support Coordinator's Medicaid provider number;

(c) Validation that the Support Coordinator is compliant with training required by section 393.0663(2)(b)11., F.S.; the iBudget Handbook; and Chapter 65G-10, F.A.C.; and

(d) Any disclosures regarding dual employment of the Support Coordinator.

(5) The Qualified Organization must ensure that any Support Coordinator who pursues dual employment complies with the iBudget Handbook requirements pertaining to dual employment, including ensuring the Support Coordinator remains in compliance with the approved dual employment plan and timely addressing any performance issues. The Qualified Organization must sign and maintain the Support Coordinator Dual Employment Medicaid Waiver Services Agreement Attachment, APD Form 65G-14.004 A, effective July 1, 2021, incorporated here by reference, and available at . The Support Coordinator Dual Employment MWSA Attachment must also be executed and maintained whenever any Support Coordinator employed by the Qualified Organization proposes to change his or her dual employment.

(6) Each Support Coordinator is prohibited from simultaneously working for more than one Qualified Organization.

(7) Upon request by the Agency or within five (5) calendar days of any Support Coordinator vacancy, which means absence or unavailability in excess of 30 calendar days, the Qualified Organization must submit the following information regarding that Support Coordinator to the appropriate Regional Office that includes:

(a) A list of the clients affected by the absence;

(b) The beginning and end dates of the vacancy;

(c) The name(s) of a temporary Support Coordinator who will serve the affected clients; and

(d) Whether the Support Coordinator left the Qualified Organization voluntarily or involuntarily.

(8) Support Coordinator Training.

(a) Each Qualified Organization must ensure that its Support Coordinators timely complete all required training in accordance with the iBudget Handbook and Chapter 65G-10, F.A.C.

(b) The Qualified Organization must maintain documentation to validate that each Support Coordinator

employed by the Qualified Organization timely completed required training as described in the iBudget Handbook and Chapter 65G-10, F.A.C.

(9) Incident Reporting. The Qualified Organization must ensure Support Coordinators comply with all incident reporting requirements articulated in sections 415 and 39, F.S., and Rule 65G-2.010(5), F.A.C.

(10) Falsification of documents. The Agency will take disciplinary action in accordance with Rule 65G-14.005, F.A.C., against a Qualified Organization that misrepresents or omits any material fact in any documentation submitted to the Agency.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(2), 393.063 F.S. History— New 7-1-21.

#### 65G-14.0041 Qualified Organization Duties and Responsibilities – Code of Ethics.

(1) Each Qualified Organization must develop, maintain, and enforce a professional code of ethics applicable to all Support Coordinators within the organization. Failure to develop, maintain, or enforce a professional code of ethics shall constitute grounds for the Agency to deny approval of or take disciplinary action against the Qualified Organization.

(2) The code of ethics must include:

(a) Provisions addressing how the Qualified Organization will prevent and avoid actual and perceived conflicts of interest among its Support Coordinators, which must prohibit each Support Coordinator from:

1. Being the legal representative, applying to be the legal representative, or being affiliated with an organization or person who is the legal representative of a client served by the Qualified Organization;

2. Being the legal representative or representative payee for any benefits received by a client served by the Qualified Organization nor assume control of a client's finances or assume possession of a client's checkbook, investments, or cash;

3. Rendering support coordination services to a client who is a family member;

4. Unduly influencing paid services on behalf of a client from a service provider who is a family member of the Support Coordinator or any employee of the Qualified Organization;

5. Providing any waiver service other than support coordination and CDC+ consultant services;

6. Being a subsidiary of or being directly or indirectly controlled by persons or organizations providing waiver

services within the state of Florida, other than support coordination and related administrative activities to clients who receive services from the Agency;

7. Requesting or receiving financial compensation from family members of clients; and

8. Providing assistance to a client on completion of the Support Coordinator Client Satisfaction Survey.

(b) Provisions mandating every Support Coordinator to promote client choice as described in the iBudget Handbook, including freedom to direct service planning and choose a provider from all available providers;

(c) Provisions addressing how the Qualified Organization will ensure that clients' rights under section 393.13, F.S. are protected, including reporting known or suspected abuse, neglect, exploitation, and sexual misconduct;

(d) Provisions encouraging fairness, integrity, and civility, including providing honest and accurate information verbally and in writing, being available for clients, timely responding to communications from clients and Agency staff, and cooperating and collaborating with others involved in client care;

(e) Provisions requiring Support Coordinators to counsel clients and, if applicable, the client's legal representative regarding covered services and that covered services will only be approved if they are individualized, specific, consistent with the client's needs, and not in excess of the client's needs;

(f) Provisions requiring Support Coordinators to explore all services available through local, state, and federal government and non-government programs or services, including the Medicaid State Plan; school-based services; private insurance; natural supports; and community supports, prior to requesting Waiver funds on behalf of the client, which may be evidenced by denial letters, coverage policies, case notes, and other documentation;

(g) Provisions requiring Support Coordinators to only pursue Waiver services for clients that the Support Coordinator believes address the capacities, needs, and resources of their clients and are not available through other resources or funding sources, which the Support Coordinator must indicate on the Verification of Available Services Form incorporated by reference in Rule 65G-4.0213, F.A.C.;

(h) Provisions requiring confidentiality and privacy of client information;

(i) Provisions prohibiting Support Coordinators from misrepresenting their affiliation with the Agency; and

(j) Provisions addressing Support Coordinator duties and responsibilities described in Chapter 393, F.S. and the iBudget Handbook, including:

1. Ensuring Significant Additional Needs requests are complete and accurate when submitted;

2. Assisting clients and, if applicable, legal representatives obtain services through the Medicaid state plan;

3. Participating in meetings required by the Agency;

4. Participating in meetings coordinating services on behalf of the client;

5. Assisting clients and, if applicable, their legal representative with the process for addressing client complaints and grievances regarding possible service delivery issues;

6. Coordinating in the preparation and planning for natural disasters, including ensuring each client has a personal disaster plan and monitoring the status of each client, including providing information on available resources during and after a natural disaster; and

7. Updating service authorizations in iConnect to reflect the current, approved level of service(s) and providing the updated service authorizations to providers.

(3) The Qualified Organization must make the approved code of ethics available to all its employed Support Coordinators and must review the code of ethics to each client or, if applicable, client's legal representative on an annual basis or immediately upon request.

(4) Upon discovering that a Support Coordinator has violated the code of ethics, the Qualified Organization must send a report to the Agency as described in 65G-14.003, F.A.C.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(2)-(3), 393.063 F.S. History— New 7-1-21.

65G-14.0042 Qualified Organization Duties and Responsibilities – Disciplinary Process.

(1) Each Qualified Organization must develop, maintain, and enforce a disciplinary process applicable to all Support Coordinators within the organization. Failure to develop, maintain, or enforce a disciplinary process shall constitute grounds for the Agency to deny the application of or take disciplinary action against the Qualified Organization.

(2) The disciplinary process must, at a minimum, include:

(a) Comprehensive review of the violation(s) to determine its impact within the Organization, including its impact on service delivery to clients;

(b) Any Support Coordinator who is responsible for a violation will meet with his or her supervisor to review and address the violation(s), which may include:

1. Discussing factors that led to the violation(s);

2. Discussing whether this is a repeat violation for the Support Coordinator; and

3. Discussing how the violation will be avoided or prevented from recurring, which may include requiring additional training for the Support Coordinator or the development of additional job aides to help the Support Coordinator improve his or her job performance.

(c) Disciplinary action commensurate with the Support Coordinator's violation(s), including consideration of whether it is a repeat violation and its gravity; and

(d) Appropriate follow-up.

(3) The Qualified Organization must make the approved disciplinary process available to all its employed Support Coordinators and must review the disciplinary process to each client or, if applicable, client's legal representative on an annual basis or immediately upon request.

(4) A Qualified Organization's failure to enforce its disciplinary process against a Support Coordinator responsible for a violation(s) constitutes a violation by the Qualified Organization.

(5) Agency Oversight.

(a) Within 10 days of receiving notice from the Regional Office that the Qualified Organization or any of its Support Coordinators violated rules or statutes designated in Rule 65G-14.005, the Qualified Organization must submit to the Agency's Regional Office a proposed Corrective Action Plan that contains all of the following:

1. The actions the Qualified Organization and, if applicable, individual Support Coordinators will take to correct each of the violations identified and to comply with the applicable requirements;

2. The name of the staff person(s) responsible for completing each action; and

3. A timeframe for accomplishing each action.

(b) The Agency will reject any proposed Corrective Action Plan that fails to identify all of the information described in paragraph (5)(a) of this rule or reflects a plan of action that does not address the violation(s). If the Agency rejects a proposed Corrective Action Plan, the Agency shall notify the Qualified Organization in writing of the reasons for rejection and require the Qualified Organization to submit an amended Corrective Action Plan addressing the deficiency or deficiencies within five business days of receipt of the Agency's notice rejecting the Corrective Action Plan.

(c) The Qualified Organization is responsible for ensuring that the Corrective Action Plan is fully implemented within the timeframes designated in the Corrective Action Plan, which includes documenting in writing all action taken to correct a violation.

(d) If the Qualified Organization fails to remediate a violation pertaining to the Qualified Organization or any of its Support Coordinators within the timeframes established in the Corrective Action Plan or the violation reoccurs within the

same 12-month period, the Agency may take action against the Qualified Organization as described in Rule 14.005, F.A.C.

(e) Where the violation presents a danger to the health, safety, or welfare of a client(s), the Agency may take immediate action as described in Rule 14.005, F.A.C.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(2), 393.063 F.S. History—New 7-1-21.

#### 65G-14.0043 Qualified Organization Duties and Responsibilities – Mentoring Program.

(1) In addition to completing required training as provided in the iBudget Handbook and Rule 65G-10.004, F.A.C., any person or Support Coordinator who has less than 12 months' experience working as a Support Coordinator as of July 1, 2021 must complete an Agency-approved mentoring program offered by his or her Qualified Organization. Mentees will only receive credit for participating in a mentoring program approved by the Agency. The following qualifications and restrictions apply:

(a) Any existing Waiver Support Coordinator who has an active Medicaid Waiver Services Agreement but less than 12 months' experience working as a Waiver Support Coordinator within the past 12 months of July 1, 2021 may receive credit for completing activities described in subsection (4) of this Rule prior to joining the Qualified Organization.

(b) Mentees may serve clients during the mentoring program as long as their mentor supervises each activity described in paragraphs (4)(a) and (b) of this Rule.

(2) As described in paragraph (1)(a) of this Rule, mentees do not need to repeat activities described in subsection (4) of this Rule that they have already performed within the past 12 months of July 1, 2021 and documented in case notes in iConnect. To receive credit, activities completed and documented during said period should be listed on APD Form 65G-14.0043 B, as described in subsection (10) of this Rule. The mentee must participate in the mentoring program for no less than 30 days. Nothing in this section prohibits the Qualified Organization from electing to place or keep a Support Coordinator in mentee status due to concerns about competency or performance.

(3) Mentees who did not have an active MWSA upon joining a Qualified Organization must shadow or observe a mentor over the course of no less than 90 days. All mentees must complete all activities described in subsection (4) of this Rule.

(4) The Qualified Organization must request approval from the Agency Regional Office prior to implementing a new mentoring program at the time of the prospective Qualified Organization's application or changing an approved mentoring program. The request must include, in writing, a copy of the Qualified Organization's policies or procedures concerning the mentoring program. These policies or procedures must require:

(a) A mentee to shadow or observe a mentor and participate in the following:

1. A minimum of five (5) support plan meetings involving the mentor or mentee's clients;

2. At least nine (9) face-to-face visits in a variety of settings, including meetings with the mentor or mentee's clients in family homes, supported living arrangements, and licensed facilities. At least six (6) of these visits must detail the coordination of providers' supports;

3. Meetings with the Agency, including the Regional Office and State Office meetings, which occur while the mentee is participating in the mentoring program;

4. Discussions to educate clients and families regarding identifying and preventing abuse, neglect, and exploitation;

5. Instructions to clients and families on mandatory reporting requirements for abuse, neglect, and exploitation;

6. Use of iConnect for case management activities; and

7. Supported Living Quarterly Meeting.

(b) A mentee to shadow or observe a mentor or, if applicable, other Support Coordinator employed by the Qualified Organization, participate in the following if they occur while the mentee is participating in the mentoring program:

1. Submission of a Significant Additional Needs ("SAN") request;

2. Medicaid eligibility redetermination process;

3. Discussion with the assessor regarding the completion of the comprehensive needs assessment; and

4. Updating of a minimum of five (5) client cost plans and service authorizations in iConnect.

(c) If the events discussed in subparagraph (4)(b) of this Rule do not occur while the mentee is participating in the mentoring program, the Qualified Organization must review these processes, including the documentation in the client's central record, with the mentee.

(d) Mentors to:

1. Have at least three (3) years of experience working as a Waiver Support Coordinator;

2. Have an active caseload;

3. Have no ethical violations within the past three (3) years;

4. Have no unresolved OIO background screening alerts for the past three years;

5. Remain in compliance with required training as specified in the iBudget Handbook and Chapter 65G-10, F.A.C.;

6. Pass the Level 1 competency-based assessment described in section 393.0663, F.S. and Rule 65G-10.004, F.A.C. with a score of 90% or better;

7. Have no delinquent Corrective Action Plan per QIO review or Agency audit, or timely resolve any Corrective Action Plan required while the Support Coordinator is a mentor;

8. Have no more than three mentees assigned to him or her at any given time; and

9. Ensure that, if the mentor and mentee's clients do not require any of the items listed in subsection (4) but another Support Coordinator employed by the Qualified Organization has a client(s) who does, the mentee can acquire the necessary experience with the other Support Coordinator.

(e) If the Qualified Organization operates in multiple regions, a statement regarding how the mentor will meet the mentoring program requirements.

(5) Agency staff will provide a written certificate to mentees who attend the meetings discussed in subparagraph (4)(a)3. of this Rule. The mentee must maintain this documentation to validate successful completion.

(6) Any Qualified Organization that intends to provide consultation services for clients enrolled in the CDC+ program must include guidance and instructions with respect to the CDC+ Handbook in its mentoring program, including observing or shadowing a consultant:

(a) Review draft, denied, or updated purchasing plans, if applicable, or review the current purchasing plans; and

(b) Submit a SAN request, if applicable, or review the most recent SAN request that was submitted.

(7) The Agency must only approve mentoring programs that address the requirements identified in section (4) and, if applicable, section (6) of this Rule.

(8) The Agency must send the applicant written notice indicating approval or denial of the proposed mentoring program within the timeframes established in Rule 65G-14.002(4), F.A.C., as well as the reasons for a denial, if applicable.

(9) The prospective Support Coordinator must successfully complete the Level 1 Training before completing the mentoring program.

(10) Support Coordinator Mentoring Program Completion.

(a) For a mentee described in subsection (3) of this Rule to receive credit for completing a mentoring program, the mentor must issue a letter indicating the mentee's successful completion of the mentoring program to the mentee and the Agency's Regional Office. This letter is titled Certification of Mentoring Program Completion, on APD Form 65G-14.0043 A, effective July 1, 2021 and incorporated here by reference.

The Certification of Mentoring Program Completion form is available at \_\_\_\_\_.

(b) For a mentee described in subsection (2) of this Rule to receive credit for completing a mentoring program, the mentor must issue a Certification of Mentoring Program Completion for Existing WSCs, APD Form 65G-14.0043 B, effective July 1, 2021 and incorporated here by reference, to the mentee and Agency’s Regional Office. The Certification of Mentoring Program Completion for Existing WSCs form is available at \_\_\_\_\_.

(c) The Qualified Organization must maintain a copy of the Support Coordinator Mentoring Program Completion Certification form for six (6) years. The mentor may only issue this letter after the mentee successfully completes all tasks and duties required by the mentoring program.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(2), 393.063 F.S. History—New 7-1-21.

65G-14.005 Disciplinary Action.

(1) The purpose of this rule is to notify Qualified Organizations of the ranges of penalties that will routinely be imposed in response to a Qualified Organization’s violation(s) of applicable Agency rule(s) or statute(s) and, if applicable, failure to timely correct the violation(s). The Agency will also consider any aggravating and mitigating factors as discussed in this rule when determining the appropriate penalty.

(2) The ranges of penalties are based upon a single count violation of each provision listed. Multiple counts of the violated provisions or a combination of violations may result in a higher penalty than that for a single, isolated violation.

(3) If a Qualified Organization wishes to voluntarily relinquish the MWSA at a time when no investigation has been initiated against the Qualified Organization, no investigation against the Qualified Organization is anticipated, and no disciplinary action is pending, and the Qualified Organization is not under any current restrictions or obligations by the Agency, the Agency for Health Care Administration (“AHCA”), the Department of Children and Families (“DCF”), or any other state agency, then the Qualified Organization’s request for voluntary relinquishment may be acted upon by staff without further action by the Agency. In such a case, the voluntary relinquishment shall not be considered action against the Qualified Organization as that term is used in s. 393.0663(4), F.S.

(4) If a Qualified Organization wishes to voluntarily relinquish a MWSA, but the Qualified Organization is currently

under any of the constraints set forth in subsection (3), above, then the Qualified Organization may relinquish the MWSA only with the approval of the Agency. If the voluntary relinquishment is accepted by the Agency at the time an investigation is underway, or is anticipated, or when a disciplinary action is in progress, then the acceptance of the voluntary relinquishment of the MWSA shall be considered action against the Qualified Organization as that term is used in s. 393.0663(4), F.S., and shall be reported as such by the Agency.

(5) The Agency may impose more than one type of disciplinary action if it appears necessary to achieve compliance or protect the health, safety, and welfare of Agency clients. For purposes of the following chart, “termination” refers to with cause termination. The ranges of penalties are as follows:

<u>Violation</u>	<u>First Offense</u>	<u>Additional Offense(s)</u>
<p>(a) Failure to employ four or more support coordinators.</p> <p>(Section 393.0663(2)(b)1., Florida Statutes, and Rule 65G-14.002(7), Florida Administrative Code)</p>	<p>Moratorium on new client assignments until minimum requirements are met. If the QO does not meet the minimum WSC requirements within 90 days, MWSA termination.</p>	<p>Moratorium on new client assignments, fine up to \$100 per day, and/or MWSA termination.</p>
<p>(b) Failure of any directors, supervisors, owners, operators, and managers who directly oversee the operations of any Qualified Organization in the State of Florida to have at least a bachelor’s degree from an accredited college or university and two years of experience providing services to persons with developmental disabilities.</p> <p>(Rule 65G-14.002(3)(a), F.A.C.)</p>	<p>Corrective Action Plan and/or fine per occurrence up to \$500.</p>	<p>Corrective Action Plan, fine per occurrence up to \$1,000, and/or MWSA termination.</p>

<p>(c) Failure of any directors, supervisors, operators, and managers who directly oversee Support Coordinators in the State of Florida to complete Level 1 Training as described in Rule 65G-10.004, F.A.C., regardless of whether they are Support Coordinators.</p> <p>(Rule 65G-14.002(3)(b), F.A.C.)</p>	<p>Fine per occurrence up to \$500.</p>	<p>Fine per occurrence up to \$1,000, and/or MWSA termination.</p>	<p>(f) Failure to report to the Agency a violation of ethical or professional conduct by Support Coordinators employed by that organization within seven (7) calendar days.</p> <p>(S. 393.0663(3)(a), F.S. and Rules 65G-14.003(1)(a), (b), (c), (f), (h), and (i), 65G-14.003(2), and 65G-14.0041(4), F.A.C.)</p>	<p>Corrective Action Plan and/or fine up to \$500 per violation.</p>	<p>Fine up to \$2,000 per violation and/or termination of MWSA.</p>
<p>(d) Failure of any director, supervisor, operator, or manager who directly oversees Support Coordinators in the State of Florida to attend a minimum of six (6) monthly support coordinator meetings with Agency staff each year, including at least one meeting in each region served by that particular director, supervisor, operator, or manager.</p> <p>(Rule 65G-14.002(3)(c), F.A.C.)</p>	<p>Fine per occurrence up to \$500.</p>	<p>Fine per occurrence up to \$1,000, and/or MWSA termination.</p>	<p>(g) Failure to report to the Agency a violation of ethical or professional conduct by Support Coordinators employed by that organization within seven (7) calendar days.</p> <p>(S. 393.0663(3)(a), F.S. and Rules 65G-14.003(1)(d), (e), (g), (j), (k), (l), and (m), 65G-14.003(2), and 65G-14.0041(4), F.A.C.)</p>	<p>Corrective Action Plan and/or fine up to \$250 per violation.</p>	<p>Fine up to \$1,000 per violation and/or termination of MWSA.</p>
<p>(e) Failure to request renewal of Medicaid Waiver Service Agreement at least 90 days prior to the expiration of the current Medicaid Waiver Service Agreement or failure to submit all required documentation with the request.</p> <p>(Rule 65G-14.002(8)(a)-(b), F.A.C.)</p>	<p>Moratorium on new client assignments and/or MWSA termination or nonrenewal.</p>	<p>Moratorium on new client assignments and/or MWSA termination or nonrenewal.</p>	<p>(h) Failure to report any violation that could cause a client's physical, mental, or emotional health to be significantly impaired to the Agency within 24 hours of discovering the violation.</p> <p>(Rule 65G-14.003(1), F.A.C.)</p>	<p>Corrective Action Plan that includes re-training on zero tolerance and reporting requirements and/or fine up to \$1,000 per violation.</p>	<p>Corrective Action Plan that includes re-training on zero tolerance and reporting requirements, fine up to \$2,000 per violation, and/or termination of MWSA.</p>

<p>(i) Failure to immediately report abuse, neglect, exploitation, or abandonment of a client to the Florida Abuse Hotline in compliance with sections 415.1034 and 39.201, F.S.</p> <p>(Rule 65G-14.003(2), F.A.C.)</p>	<p>Corrective Action Plan that includes re-training on zero tolerance and reporting requirements and/or a fine up to \$1,000 per violation.</p>	<p>Corrective Action Plan that includes re-training on zero tolerance and reporting requirements, a fine up to \$2,000 per violation, and/or MWSA termination.</p>
<p>(j) Failure to include all required information in any report to the Agency as required by Rule 14.003(2), F.A.C.</p> <p>(Rule 65G-14.003(2), F.A.C.)</p>	<p>Corrective Action Plan.</p>	<p>Corrective Action Plan and fine up to \$100 per occurrence.</p>
<p>(k) Failure to maintain an active and accurate roster within the Clearinghouse to ensure all Support Coordinators have active and eligible level II background screenings.</p> <p>(Rule 65G-14.003(3), F.A.C.)</p>	<p>Corrective Action Plan, and/or fine up to \$250.</p>	<p>Corrective Action Plan, fine of up to \$500 per person, per day, and/or MWSA termination.</p>
<p>(l) Failure to ensure that all Support Coordinators complete level II background screening upon hire and maintain eligible status within the Clearinghouse in accordance with section 393.0655 and chapter 435, F.S.</p> <p>(Rule 65G-14.003(3), F.A.C.)</p>	<p>Corrective Action Plan that includes retraining on Background Screening requirements, and/or fine up to \$500 per person, per day.</p>	<p>Corrective Action Plan, fine up to \$1,000 per person, per day, and/or termination of MWSA.</p>

<p>(m) Failure to provide each client or, if applicable, his or her legal representative, with an invitation to take a client satisfaction survey during each client's annual support plan meeting.</p> <p>(S. 393.0663(3)(b), F.S. and Rule 65G-14.003(5), F.A.C.)</p>	<p>Fine up to \$100 per occurrence.</p>	<p>Fine up to \$250 per occurrence.</p>
<p>(n) Failure to maintain and enforce standards and procedures to ensure that its Support Coordinators are complying with their duties and responsibilities as described in chapter 393, F.S.; title 65G, F.A.C.; the iBudget Handbook, and, if applicable, the CDC+ Handbook.</p> <p>(S. 393.0663(2)(b)2.-9., F.S. and Rule 65G-14.004(1), F.A.C.)</p>	<p>Corrective Action Plan, fine up to \$500 per occurrence, and/or moratorium on new client assignments.</p>	<p>Corrective Action Plan, fine up to \$1,000 per occurrence, moratorium on new client assignments, and/or MWSA termination.</p>
<p>(o) Failure to promptly address complaints/compliance issues regarding Support Coordinators' performance.</p> <p>(Rule 65G-14.004(1), F.A.C.)</p>	<p>Corrective Action Plan and/or fine up to \$500.</p>	<p>Corrective Action Plan with a moratorium on new client assignments for the specified Support Coordinator until complaint(s) is remediated, fine up to \$2,000, and/or termination of the MWSA.</p>

<p><u>(p) Failure to submit documentation to the appropriate Regional Office(s) upon the Agency’s request or making a material change to any of the documents described in Rule 65G-14.004(2), F.A.C.</u></p> <p><u>(Rule 65G-14.004(2)(a)-(e), F.A.C.)</u></p>	<p><u>Corrective Action Plan and/or fine up to \$100.</u></p>	<p><u>Corrective Action Plan and/or fine up to \$500.</u></p>
<p><u>(q) Failure to submit and maintain initial and/or updated dual employment forms for a Support Coordinator.</u></p> <p><u>(Rule 65G-14.004(5), F.A.C.)</u></p>	<p><u>Corrective Action Plan.</u></p>	<p><u>Corrective Action Plan and/or fine up to \$100 per day until plan is submitted.</u></p>
<p><u>(r) Failure to ensure that any Support Coordinator who is dually employed complies with the approved dual employment plan.</u></p> <p><u>(Rule 65G-14.004(5), F.A.C.)</u></p>	<p><u>Corrective Action Plan, potential moratorium on new client assignments, and/or fine up to \$500 per occurrence.</u></p>	<p><u>Moratorium on new client assignments, fine up to \$1,000 per occurrence, and/or termination of the MWSA.</u></p>
<p><u>(s) Failure to timely submit information relating to a Support Coordinator’s vacancy in excess of 30 calendar days to the appropriate Regional Office.</u></p> <p><u>(Rule 65G-14.004(7), F.A.C.)</u></p>	<p><u>Corrective Action Plan and potential moratorium on new client assignments.</u></p>	<p><u>Fine up to \$1,000 per occurrence and potential moratorium on new client assignments.</u></p>

<p><u>(t) Failure to ensure that its Support Coordinators timely complete all required training in accordance with the iBudget Handbook and Chapter 65G-10, F.A.C., including maintaining documentation to validate successful completion.</u></p> <p><u>(S. 393.0663(2)(b)10.-11., F.S., and Rule 65G-14.004(8)(a)-(b), F.A.C.)</u></p>	<p><u>Corrective Action Plan.</u></p>	<p><u>Corrective Action Plan and a fine up to \$500 per occurrence.</u></p>
<p><u>(u) Failure to ensure all Support Coordinators comply with all incident reporting requirements articulated in sections 415 and 39, F.S., and Rule 65G-2.010(5), F.A.C.</u></p> <p><u>(Rule 65G-14.004(9), F.A.C.)</u></p>	<p><u>Corrective Action Plan, and/or fine up to \$100.</u></p>	<p><u>Corrective Action Plan and fine up to \$500 per occurrence.</u></p>
<p><u>(v) The Qualified Organization misrepresented or omitted any material fact in any documentation submitted to the Agency.</u></p> <p><u>(Rule 65G-14.004(10), F.A.C.)</u></p>	<p><u>Fine up to \$1,000 per occurrence and/or MWSA termination.</u></p>	<p><u>Fine up to \$5,000 per occurrence and/or MWSA termination.</u></p>
<p><u>(w) Failure to maintain and enforce an approved professional code of ethics applicable to all its Support Coordinators.</u></p> <p><u>(Rule 65G-14.004(1), F.A.C.)</u></p>	<p><u>Corrective Action Plan, a fine per violation up to \$1,000, and/or a moratorium on new client assignments.</u></p>	<p><u>Corrective Action Plan with a fine per violation up to \$5,000, a moratorium on new client assignments, and/or termination of MWSA.</u></p>

<p>(x) Failure to report to the Agency a violation of the code of ethics by any _____ Support Coordinator(s) employed by that organization.</p> <p>(Rule _____ 65G-14.0041(2)(a)7., (c), (j)6.-7., F.A.C.)</p>	<p>Corrective Action Plan, a fine _____ per violation up to \$500, and/or a moratorium on new client assignments.</p>	<p>Corrective Action Plan with a fine per violation up to \$1,000, a moratorium on new client assignments, and/or termination of MWSA.</p>
<p>(y) Failure to report to the Agency a violation of the code of ethics by any _____ Support Coordinator(s) employed by that organization.</p> <p>(Rule _____ 65G-14.0041(2)(a)1.-6. and 8., (b), (d), (e), (f), (g), (h), (i), (j)1.-5., F.A.C.)</p>	<p>Corrective Action Plan and/or fine up to \$250.</p>	<p>Corrective Action Plan, fine _____ per violation up to \$500, a moratorium on new client assignments, and/or termination of MWSA.</p>
<p>(z) Failure to include all required provisions articulated in Rule 65G-14.0041(2)(a)-(i), F.A.C. in a code of ethics that was modified after it was approved.</p> <p>(Rule 65G-14.0041(2), F.A.C.)</p>	<p>Corrective Action Plan.</p>	<p>Corrective Action Plan and/or moratorium on new client assignments.</p>
<p>(aa) Failure to comply with any requirement articulated in Rule 65G-14.0041(3), F.A.C. regarding _____ making available and reviewing the approved code of ethics with the client or, if applicable, legal representative on an annual basis or immediately upon request.</p> <p>(Rule 65G-14.0041(3), F.A.C.)</p>	<p>Corrective Action Plan, and/or a fine per violation up to \$500.</p>	<p>Corrective Action Plan with a fine per violation up to \$2,500, a moratorium on new client assignments, and/or termination of MWSA.</p>

<p>(bb) Failure to maintain or enforce an approved disciplinary process in accordance with Rule 65G-14.0042.</p> <p>(Rule 65G-14.0042(1)-(4), F.A.C.)</p>	<p>Corrective Action Plan, a fine _____ per violation up to \$1,000 and/or a moratorium on new client assignments.</p>	<p>Corrective Action Plan with a fine per violation up to \$5,000, a moratorium on new client assignments, and/or termination of MWSA.</p>
<p>(cc) Failure to fully implement an approved Corrective Action Plan within the timeframes described therein.</p> <p>(Rule 65G-14.0042(5), F.A.C.)</p>	<p>Fine up to \$1,000 per day.</p>	<p>Fine up to \$2,000 per day, moratorium on new client assignments, or termination of MWSA.</p>
<p>(dd) Failure to implement an Agency-approved mentoring program.</p> <p>(S. 393.0663(2)(b)12., F.S. and Rule 65G-14.0043(1) and (3), F.A.C.)</p>	<p>Corrective Action Plan and/or fine up to \$1,000 per occurrence.</p>	<p>Corrective Action Plan, fine up to \$5,000 per occurrence, and/or termination of MWSA.</p>
<p>(ee) Allowing a mentee to perform WSC duties without a mentor.</p> <p>(Rule _____ 65G-14.0043(1)(c), F.A.C.)</p>	<p>Corrective Action Plan and/or fine up to \$500.</p>	<p>Corrective Action Plan, Fine up to \$2,500, and/or termination of MWSA.</p>
<p>(ff) Designating a mentor who does not meet the minimum qualifications.</p> <p>(Rule _____ 65G-14.0043(4)(d))</p>	<p>Corrective Action Plan and/or fine up to \$750 per occurrence.</p>	<p>Corrective Action Plan, fine up to \$4,000 per occurrence, and/or termination of MWSA.</p>

<p><u>(gg) For a Qualified Organization that intends to provide CDC+ consultation services, failure to include requirements described in Rule 65G-14.0043(5), F.A.C. in its mentoring program.</u></p> <p><u>(Rule 65G-14.0043(6), F.A.C.)</u></p>	<p><u>Corrective Action Plan and/or fine up to \$500.</u></p>	<p><u>Corrective Action Plan, fine up to \$2,500, and/or termination of MWSA.</u></p>
<p><u>(hh) Failure to comply with requirements pertaining to completion of the mentoring program.</u></p> <p><u>(Rule 65G-14.0043(10)(a)-(c), F.A.C.)</u></p>	<p><u>Corrective Action Plan and/or fine up to \$500.</u></p>	<p><u>Corrective Action Plan, fine up to \$2,000, or termination of MWSA.</u></p>
<p><u>(ii) Failure to comply with any other applicable laws or rules.</u></p> <p><u>(S. 393.0663(3)(c), F.S.)</u></p>	<p><u>Corrective Action Plan, a fine per violation up to \$1,000 and/or a moratorium on new client assignments.</u></p>	<p><u>Corrective Action Plan, fine up to \$5,000, and/or termination of MWSA.</u></p>

(6) The Agency shall consider whether any of the following mitigating factors are present, which indicate that less severe disciplinary action is warranted:

(a) The gravity of the violation(s) is not severe, meaning it did not involve the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a client or other individual; death or serious physical or mental injury could not reasonably have resulted from the violation; and the violation has not resulted in permanent or irrevocable injuries, damage to property, or loss of property or client funds;

(b) The Qualified Organization has already taken or is taking remedial action to correct the violation(s) and the corrective action was taken promptly;

(c) The violation has not occurred previously or, if it has occurred, the length of time since the last violation was substantial;

(d) The violation(s) affects only one client, as opposed to several clients under the care of Support Coordinators employed by the Qualified Organization;

(e) The Qualified Organization reported the violation(s) within the timeframes described in this chapter;

(f) The Qualified Organization has cooperated with the Agency, AHCA, DCF, and/or the QIO regarding the violation(s); and

(g) Any other relevant mitigating factors.

(7) In addition to mitigating factors, the Agency shall also consider whether any of the following aggravating factors are present, which indicate that more severe disciplinary action is warranted:

(a) The gravity of the violation(s) is severe, meaning it either involved the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a client or other individual; death or serious physical or mental injury could reasonably have resulted from the violation(s); or the violation has resulted in permanent or irrevocable injuries, damage to property, or loss of property or client funds;

(b) There have been repeat instances of the same or similar violation by the Qualified Organization or its Support Coordinator(s), with consideration of the amount of time that has passed;

(c) There have been other violations, with consideration of the amount of time that has passed;

(d) For violations identified by the Agency or the QIO, the Qualified Organization did not rectify the violations identified in the Corrective Action Plan within the timeframe identified in the Corrective Action Plan;

(e) For violations identified by the Qualified Organization, the Qualified Organization did not rectify the violation(s) within a reasonable timeframe;

(f) The violation(s) negatively affects multiple clients under the care of a Support Coordinator employed by the Qualified Organization;

(g) The violation(s) involves more than one Support Coordinator employed by the Qualified Organization;

(h) The Qualified Organization has been aware of the violation(s) for more than seven (7) working days and has failed to report the violation to the Agency;

(i) The Qualified Organization has been aware of the violation(s) for more than seven (7) working days and has not initiated action to rectify the violation;

(j) The Qualified Organization has failed to cooperate with the Agency, AHCA, DCF, and/or the QIO regarding the violation(s); and

(k) Any other relevant aggravating factors.

(8) The Agency considers any violation that only results in a Corrective Action Plan as described in subsection (5) of this Rule to be a minor violation as described in section 120.695, F.S.

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

PROPOSED EFFECTIVE DATE: 7-1-21.

Rulemaking Authority 393.0663(5), 393.501(1) F.S. Law Implemented 393.0662, 393.0663(3), 393.063 F.S. History–New 7-1-21.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lynne Daw  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbara Palmer  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 30, 2020  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 7/15/2020 and 11/4/2020

### Section III Notice of Changes, Corrections and Withdrawals

**DEPARTMENT OF MANAGEMENT SERVICES**

**E911 Board**

RULE NO.:           RULE TITLE:  
60FF1-5.003       E911 State Grant Programs  
                          NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 46 No. 218, November 6, 2020 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the Board at a public meeting held December 16, 2020. The changes are as follows:  
60FF1-5.003 911 Grant Programs.

The E911 Board assists Florida with the installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems.

(1) Eligibility. Any Board of County Commissioners in the State of Florida. In addition, a group of counties or a region may apply for a grant.

(2) General conditions.

(a) Each county, group of counties or region and each county therein, applying for 911 Grant funds shall complete and submit W Form 3A, “911 Grant Programs,” revised 12/2020 ~~October, 2020~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-40506>, or

State of Florida E911 Board  
ATTN: Administrative Staff  
2555 Shumard Oak Blvd., Suite 260  
Tallahassee, Florida 32399-0950

The applicant must provide the completed, signed Application Form, and associated quotes. The grant application must be postmarked or delivered by hand or email to: E911BoardElectronicGrantReports@dms.fl.gov on or before the submission date specified in the E911 Board notification of a State E911 Program as published in the Florida Administrative Register.

(b) Priorities for awarding of grants will be determined by the E911 Board. Grant priorities may be adjusted by the E911 Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle.

(c) through (e) No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS. History–New 12-7-08, Amended 10-27-10, Formerly 60FF-5.003, Amended 8-25-11, 9-2-12, 10-22-13, 8-31-14, 9-23-15, 5-31-16, 1-10-18, 6-26-19,

Changes to “911 Grant Program” (incorporated material):  
Each reference to “county” has been changed to “county, group of counties or region.”

Punctuation has been corrected.

Language in section 7.2 has been amended.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew Matney, Chairman, E911 Board, 4030 Esplanade Way, Suite 135F, Tallahassee, Florida 32399-0950, or by email Matthew.Matney@dms.myflorida.com.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.:           RULE TITLE:  
69A-37.503       Firefighter Cancer Decontamination  
                          Equipment Grant Program  
                          NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 46 No. 244, December 17, 2020 issue of the Florida Administrative Register.

Subsection (3) of the rule has been restructured and renumbered as follows:

(3) Eligibility. An eligible applicant is:

~~(a) an~~ ~~An~~ organization organized and operating in the state of Florida that meets all of the following requirements:

~~(a) 1-~~ Is a fire service provider as defined by subsection 69A-37.501(4), F.A.C.;

~~(b) 2-~~ Is recorded as a fire department in the Division’s online electronic database

(<https://myfloridacfo.com/Division/SFM/FCDICE/default.htm>);

(c) 3- Has a Florida fire department identification (FDID) number as defined in rule 69A-66.007, F.A.C.;

(d) 4- Has submitted the Florida Fire Service Needs Assessment, Form DFS-K4-2191, which is incorporated by reference in rule 69A-37.039, F.A.C., and is available on the Division’s website at: <http://www.myfloridacfo.com/Division/SFM/BFST/BFSTForm.shtm>. The applicant shall have completed this survey during the most recent survey period of April 1st through May 31st in the same calendar year of the Firefighter Cancer Decontamination Equipment Grant Program application period start date; however, for the first year of this program, the Department waives the submittal deadline;

(e) 5- Is compliant with the Florida Firefighters Occupational Health and Safety Act (Sections 633.502-633.536, F.S.) or has a plan for correction for any noncompliance issue filed with the Division. The applicant must have completed a compliance inspection within the previous three years of the grant award or agree to have a compliance inspection conducted prior to the grant award; and

(f) 6- Is compliant with the requirement to submit fire incident data as required in rule 69A-66.004, F.A.C.

**Section IV  
Emergency Rules**

NONE

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

NONE

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

DEPARTMENT OF STATE  
Division of Library and Information Services  
The Department of State announces a public meeting to which all persons are invited.  
DATES AND TIMES: February 25, 2021, 1:00 p.m. – 5:00 p.m. Eastern; February 26, 2021, 9:00 a.m. Eastern to conclusion

PLACE: Virtual meeting via GoToWebinar. To connect to the meeting visit <https://attendee.gotowebinar.com/register/3310308865786889230>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Friends of the State Library and Archives of Florida Inc. will meet to elect Executive Committee Members and discuss business for the organization.

A copy of the agenda may be obtained by contacting: Lindsey Harrington with the Division of Library and Information Services at [lindsey.harrington@dos.myflorida.com](mailto:lindsey.harrington@dos.myflorida.com) or (850)245-6614.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days prior to the workshop/meeting by contacting Lindsey Harrington at (850)245-6614 or [lindsey.harrington@dos.myflorida.com](mailto:lindsey.harrington@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For the procedure on making a public comment during the meeting, please refer to the Division’s Public Comment Policy. For more information, you may contact: Lindsey Harrington with the Division of Library and Information Services at [lindsey.harrington@dos.myflorida.com](mailto:lindsey.harrington@dos.myflorida.com) or (850)245-6614.

DEPARTMENT OF LEGAL AFFAIRS  
Florida Elections Commission  
The Florida Elections Commission announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2021, 3:00 p.m. until adjourned

PLACE: Public Session Webinar and Teleconference  
Participation Instructions:

- A. GoToWebinar – Remote Video Conferencing
1. Open your web browser and search GoToWebinar or enter [www.gotowebinar.com](http://www.gotowebinar.com).
  2. Select “Join A Webinar” in the upper right corner of the website.
  3. Enter the 9-digit Webinar ID: 468-036-339 and your email address.
  4. Enter your name and email address. Click “Register”.
  5. GoToWebinar participants will automatically join the meeting as an attendee. Attendees are muted; however, GoToWebinar attendees can choose to appear by webcam and elect to make public comment.
- B. OpenVoice - Teleconference
1. Dial 1-866-901-6455.
  2. Enter Audio Access Code 651-561-413.

3. Teleconference participants will automatically join the meeting as an attendee. Teleconference attendees are muted.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Elections Commission will be discussing proposed legislation for the 2021 Florida Legislative Session.

A copy of the agenda may be obtained by contacting: the Commission Clerk at (850) 922-4539, by e-mail: [FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) or write to: 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050, or by viewing the Commission's web site: [www.fec.state.fl.us](http://www.fec.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: the Commission Clerk at (850)922-4539, by e-mail: [FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.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: Donna Ann Malphurs, Commission Clerk at (850)922-4539, [donna.malphurs@myfloridalegal.com](mailto:donna.malphurs@myfloridalegal.com), or by visiting the website at [www.fec.state.fl.us](http://www.fec.state.fl.us).

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Administration

The Florida Agriculture Museum (Board of Trustees) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, January 12, 2021, 11:00 a.m.

**PLACE:** 7900 Old Kings Rd N, Palm Coast, FL 32137

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this meeting is to discuss site planning.

A copy of the agenda may be obtained by contacting: Kara Hoblick at [kara.hoblick@floridaagmuseum.org](mailto:kara.hoblick@floridaagmuseum.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 2 days before the workshop/meeting by contacting: Kara Hoblick at [kara.hoblick@floridaagmuseum.org](mailto:kara.hoblick@floridaagmuseum.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

For more information, you may contact: Kara Hoblick at [kara.hoblick@floridaagmuseum.org](mailto:kara.hoblick@floridaagmuseum.org).

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Plant Industry

**RULE NO.:** **RULE TITLE:**

5B-57.007 Noxious Weed List

The Endangered Plant Advisory Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** January 26, 2021, 9:00 a.m. – 5:00 p.m. ET

**PLACE:** Join the meeting from your computer, tablet or smartphone by following the following link: <https://global.gotomeeting.com/join/668352709>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review the LATF grant awards; Four-year review of regulated plant index (332 plants); A brief presentation by Kara Driscoll on *Asclepias feavi*; A brief review of species proposed in 2019; Election of Officers; Comments or concerns from Council.

A copy of the agenda may be obtained by contacting: Jason Stanley, [Jason.Stanley@FDACS.gov](mailto:Jason.Stanley@FDACS.gov).

**DEPARTMENT OF EDUCATION**

State Board of Education

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

**DATE AND TIME:** January 13, 2021, 9:00 a.m.

**PLACE:** Daytona State College, 1200 W. International Speedway Blvd., L. Gale Lemerand Student Center, Bldg. 115, Daytona Beach, FL 32114.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The State Board of Education will be conducting this meeting in accordance with local requirements regarding the wearing of face coverings and requests that attendees do the same. The meeting agenda will consist of the approval of the November 18, 2020 meeting minutes. Updates on Florida Education Foundation Civics Initiatives; 2020-2025 Strategic Plan; Teacher Salary Increase Allocation; Office of Safe Schools; Progress Monitoring Initiatives; Florida College System – President LoBasso on behalf of the Council of Presidents; and K-12 Public Schools – Superintendent Kornegay on behalf of the Florida Association of District School Superintendents. Additional items for consideration include action relating to the following: Amendment to Rule 6A-6.053, K-12 Comprehensive Evidence-Based Reading Plan; Florida SouthWestern State College's Proposal for a Bachelor of Applied Science in Information Systems Technology; Articulation Coordinating Committee Policy Regarding the Evaluation and Awarding of Postsecondary Credit for Prior Military Training, Courses and Occupations; A.A.A.

Scholarship Foundation- Florida, LLC as a Scholarship Funding Organization for 2021-22; Step Up for Students, Inc. as a Scholarship Funding Organization for 2021-22; Amendment to Rule 6A-6.0571, Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks; Critical Teacher Shortage Areas for 2021-22; Amendment to Rule 6A-6.05282, College Reach-Out Program; Repeal of Rule 6A-10.060, The Dale Hickam Excellent Teaching Program; Appointments to the Education Practices Commission (EPC); Amendment to Rule 6A-10.040, Basic Skills Requirements for Postsecondary Certificate Education; and Approval of Building Lease Action; WEDU TV Tampa.

A copy of the agenda may be obtained by contacting: Chris Emerson at (850)245-9601 or [Christian.Emerson@fldoe.org](mailto:Christian.Emerson@fldoe.org) or by visiting the Department’s website at <http://www.fldoe.org/policy/state-board-of-edu/meetings>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Chris Emerson at (850)245-9601 or [Christian.Emerson@fldoe.org](mailto:Christian.Emerson@fldoe.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: Chris Emerson at (850)245-9601 or [Christian.Emerson@fldoe.org](mailto:Christian.Emerson@fldoe.org).

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

The DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2021, 1:00 p.m. – 2:00 p.m. ET

PLACE: THIS MEETING WILL BE HELD VIA GOTOMEETING. PLEASE SEE DIAL-IN INFO BELOW.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Motorist Modernization Advisory Board is meeting to receive an update on Phase 1 of the Motorist Modernization Program. System functionality and requirements will also be presented to the group for consideration and input.

**AGENDA**

- Roll Call
- Welcome
- Review and Approval of Last Meeting Minutes
- Stakeholder Outreach Update
- MM Phase I Program Update
- Financial Review
- Implementation Update
- Communications Update

- Q&A
- Adjourn

Please join the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/630034677>.

You can also dial in using your phone, United States: (646)749-3129, United States (toll-free): 1(877)309-2073, Access Code: 630-034-677, Audio PIN: Shown after joining the meeting

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Terrence Samuel, 2900 Apalachee Parkway, Room D315, Tallahassee, FL 32399, (850)617-2100. 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 HIGHWAY SAFETY AND MOTOR VEHICLES**

The DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2021, 2:30 p.m. – 4:00 p.m., ET

PLACE: THIS MEETING WILL BE HELD VIA GOTOMEETING. PLEASE SEE DIAL-IN INFO BELOW.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Motorist Modernization Advisory Board is meeting to discuss and provide guidance & recommendations on Phase 2 of the Motorist Modernization Program.

**AGENDA**

- Roll Call
- Welcome
- Review and Approval of Last Meeting Minutes
- Stakeholder Outreach Update
- MM Phase II Program Update
- Financial Review
- Project Updates
- Communications Update
- Q&A
- Adjourn

Please join the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/630034677>.

You can also dial in using your phone, United States: (646)749-3129, United States (toll-free): 1(877)309-2073, Access Code: 630-034-677, Audio PIN: Shown after joining the meeting

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Terrence Samuel, 2900 Apalachee Parkway, Room D315, Tallahassee, FL 32399, (850)617-2100. 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 CORRECTIONS**

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

DATE AND TIME: January 22, 2021, 10:00 a.m.

PLACE: Florida Department of Corrections Headquarter Building, 501 South Calhoun Street, M35 Conference Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Under the authority of the Florida Criminal Justice Standards and Training Commission, Criminal Justice Standards and Training Region XVI, announces a regular schedule meeting of the Region XVI Training Council. The primary business of the meeting will be to discuss training and budget issues.

A copy of the agenda may be obtained by contacting: Florida Department of Corrections, attention Oscar Paz Soldan, Bureau of Professional Development and Training, 501 South Calhoun Street, Tallahassee, Florida, 32399-2500.

**DEPARTMENT OF THE LOTTERY**

The Department of the Lottery announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 13, 2021, 4:00 p.m. Eastern Time. Any changes or updates to the meeting time will be posted on the Vendor Bid System (VBS) at: [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu).

PLACE: Florida Lottery Headquarters, 250 Marriott Drive, Tallahassee, Florida 32301; Conference Telephone Number: 1(888)299-2873, Conference Room Number 779-281-710

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Lottery will open Administrative and Technical Replies received in response to Invitation to Negotiate: Procurement for Uninterruptible Power Supply and Power Distribution Units, Equipment and Installation (Project #012-20/21) and will read aloud the names of the submitting Vendors.

For more information, please visit the Vendor Bid System (VBS) at:

[http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu). A copy of the agenda may be obtained by contacting: Karen Armstrong at (850)487-7710 or by going to the Department of the Lottery's website, [www.flalottery.com](http://www.flalottery.com).

Any person requiring a special accommodation because of a disability at this public meeting should contact the individual identified above at (850)487-7710 (voice), or through the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (voice), at least 24 hours prior to the meeting.

**DEPARTMENT OF HEALTH**

**RULE NOS.: RULE TITLES:**

- 64-4.001 Definitions
- 64-4.013 Pesticide Use on Medical Marijuana
- 64-4.201 Renewal Application Requirements for MMTCs
- 64-4.205 Standards for Production of Edibles
- 64-4.206 Low-THC and Medical Marijuana Packaging and Labeling
- 64-4.207 Marijuana Waste Management and Disposal
- 64-4.209 Low-THC and Medical Marijuana Solvent Based Extraction and Related Products
- 64-4.211 Supplemental Licensure Fee for MMTCs
- 64-4.212 MMTc Regulatory Compliance Testing
- 64-4.213 MMTc Remediation

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

DATES AND TIMES: January 20, 2021, 9:00 a.m. – 4:00 p.m. ET; January 21, 2021, 9:00 a.m. – 4:00 p.m. ET, or until conclusion of the workshop, whichever occurs first. The workshops will adjourn for lunch from 12:00 Noon – 1:00 p.m. ET.

PLACE: Please join the meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/663694157> or dial in using your phone: (Toll Free): 1(877)309-2073, Access Code: 663-694-157.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice will replace notice #23976574 (Vol. 46, No. 239, FAR, 12/10/2020). This public workshop will address the Department of Health's proposed rules pertaining to medical marijuana treatment centers.

A copy of the agenda may be obtained by contacting: <https://knowthefactsmmj.com/public-meetings/>.

A copy of the agenda will be available no later than one week prior to the workshop.

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: [OMMUInformationRequests@flhealth.gov](mailto:OMMUInformationRequests@flhealth.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). 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 HEALTH

Board of Nursing

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

DATE AND TIME: January 15, 2021, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: <https://floridasnursing.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 48 hours before the workshop/meeting by contacting: (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The Children's Medical Services/ Newborn Screening Follow-up Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 26, 2021, 9:00 a.m.

PLACE: Go To Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Genetics and Newborn Screening Advisory Council (GNSAC) Task Force will be conducting a conference call to discuss the optimal collection methods and data available for Critical Congenital Heart Defects (CCHD) screening.

Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/802969229>

You can also dial in using your phone. United States (Toll Free): 1(877)309-2073, United States: (646)749-3129.

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

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

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

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

DEPARTMENT OF HEALTH

Office of Statewide Research

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

DATE AND TIME: January 20, 2021, 1:30 p.m.

PLACE: Microsoft Teams Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct review of new research studies involving human participants, modifications to existing studies, and continuing review of ongoing research to make sure research studies comply with regulations and the Department's ethical standards.

A copy of the agenda may be obtained by contacting: The Florida Dept. of Health IRB at [IRB@flhealth.gov](mailto:IRB@flhealth.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: [IRB@flhealth.gov](mailto:IRB@flhealth.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF CHILDREN AND FAMILIES

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

DATE AND TIME: January 14, 2021, 10:00 a.m. – 11:30 a.m. ET

PLACE: Microsoft Teams

Contact Shalunda Turo at [Shalunda.Turo@myflfamilies.com](mailto:Shalunda.Turo@myflfamilies.com) for Teams meeting invite link

GENERAL SUBJECT MATTER TO BE CONSIDERED: [https://calendar.google.com/calendar/event?eid=MWpwcjYwMmFjN3FydTBsc3N1dmJlcmNrMTYgc2prNGxiZGt0NWZsdmhnYmVhODFIY2s4YzBAZw&ctz=America/New\\_York&tz=America/New\\_York](https://calendar.google.com/calendar/event?eid=MWpwcjYwMmFjN3FydTBsc3N1dmJlcmNrMTYgc2prNGxiZGt0NWZsdmhnYmVhODFIY2s4YzBAZw&ctz=America/New_York&tz=America/New_York)

A copy of the agenda may be obtained by contacting: Jeanna Olson, Circuit 2 Community Development Administrator, at (850)921-8269 or at [jeanna.olson@myflfamilies.com](mailto:jeanna.olson@myflfamilies.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: Jeanna Olson, Circuit 2 Community Development Administrator, at (850)921-8269 or at jeanna.olson@myflfamilies.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: Jeanna Olson, Circuit 2 Community Development Administrator, at (850)921-8269 or at jeanna.olson@myflfamilies.com.

**FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 19, 2021, 10:00 a.m.

PLACE: Virtual Meeting, contact FMMJUA at (850)385-8114 or Frankie@fmmjua.org to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee, Claims & Underwriting Committee and the Compensation Committee will receive and consider business properly brought before the Committees. The Board of Governors meeting will immediately follow the Committee Meetings and will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Audit Committee, Claims & Underwriting Committee, Compensation Committee, General Manager, and such other business properly brought before the Board. The Annual Meeting of the membership will begin immediately following the Board of Governors meeting and will receive and consider yearly reports from the Association's Chairman, Servicing Carrier, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: frankie@fmmjua.org or call (850)385-8114.

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: frankie@fmmjua.org or call (850)385-8114. 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: frankie@fmmjua.org or call (850)385-8114.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The Orange County Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: January 21, 2021, 10:30 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting

A copy of the agenda may be obtained by contacting: Joe Wallace, (407)282-3944.

**AMERICAN CONSULTING PROFESSIONALS - DEBORAH TURNER**

The FLORIDA DEPARTMENT OF TRANSPORTATION, DISTRICT SEVEN announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 14, 2021, 10:00 a.m. – 12:00 Noon

PLACE: Bayside Community Church, 3380 SR 580, Safety Harbor, FL 34695

GENERAL SUBJECT MATTER TO BE CONSIDERED: You are invited to attend and participate in the Kick-off Meeting for the SR 580 Corridor Planning and Concept Development Study. The Florida Department of Transportation (FDOT) District Seven has scheduled an Elected Officials and Agencies Project Kick-off Meeting to provide an overview of the SR 580 Corridor Study from Alt. US 19/SR 595/Broadway to Tampa Road being conducted in Pinellas County, Florida.

This project will be coordinated with Forward Pinellas Metropolitan Planning Organization (MPO) and the Cities of Dunedin, Clearwater, Safety Harbor, Oldsmar and unincorporated portions of Pinellas County to develop potential solutions that establish safer multimodal environment utilizing a context-sensitive approach. This study will involve a community-based evaluation to determine how best to meet the needs of current and future users, and to establish a long-term plan to guide evolution of the corridor that appropriately correlates the balance between land use and transportation planning.

The result of the SR 580 Corridor Planning Study will include the development of a Corridor Development Plan, which will identify a range of multi-modal solutions to address the mobility needs within a context that reflects the long-term vision for the study corridor. The Corridor Development Plan will include short, mid and long-term implementation strategies that guide future development within the corridor, as well as specific improvements that can potentially be advanced in the near term through local agency participation and/or by FDOT.

At the Kick-Off Meeting, the study team will provide an overview of the study process and project schedule and will work cooperatively with attendees to identify community issues, goals and preferences in the project study area. Additional, SR 580 project current and future information may be found at this website: [www.fdotd7studies.com/projects/sr580-corridor](http://www.fdotd7studies.com/projects/sr580-corridor).

The meeting will be held online via GoTo Webinar at: Register now! Those who cannot access the virtual meeting, or would like to attend in person, may participate at Bayside Community Church, 3380 SR 580, Safety Harbor, FL 34695.

Written comments can be mailed to: Brian Shroyer, CPM, Project Manager, Florida Department of Transportation District Seven, Planning & Environmental Management Office (PLEMO) MS 7-500, 11201 N. McKinley Drive, MS 7-500, Tampa, FL 33612, emailed to: brian.shroyer@dot.state.fl.us or provided on the “Send us your comments” page on the project website at [www.fdotd7studies.com/projects/sr580-corridor](http://www.fdotd7studies.com/projects/sr580-corridor).

For more information, you may contact: FDOT welcomes and appreciates everyone’s participation. If you have questions about the project or the scheduled meeting, please contact Brian Shroyer, CPM, Project Manager, at 1(813)975-6449 or 1(800)226-7220 or visit our project website at [www.fdotd7studies.com/projects/sr580-corridor](http://www.fdotd7studies.com/projects/sr580-corridor).

Comuníquese con nosotros

Nos importa mucho la opinión del público sobre el proyecto. Si usted tiene preguntas o comentarios, o simplemente desea más información sobre este proyecto, por favor comuníquese con nuestro representante, Manuel Flores al teléfono 1(813)975-4248 o al correo electrónico [manuel.flores@dot.state.fl.us](mailto:manuel.flores@dot.state.fl.us).

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 December 14, 2016 and executed by the Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: NA 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 6 days before the workshop/meeting by contacting: Mr. Alex Henry, Public Involvement Coordinator, Florida Department of Transportation, District Seven, MS 7-500, 11201 N. McKinley Drive, Tampa, FL 33612, 1(813)975-6405. 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: FDOT welcomes and appreciates everyone’s participation. If you have questions about the project or the scheduled meeting, please contact Brian Shroyer, CPM, Project Manager, at 1(813)975-6449 or 1(800)226-7220 or visit our project website at [www.fdotd7studies.com/projects/sr580-corridor](http://www.fdotd7studies.com/projects/sr580-corridor).

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

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has received the petition for declaratory statement from Monelight Services. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

On 1/4/2021 the Petition was WITHDRAWN. The original petition sought a declaratory statement from the Office whether its proposed business model to ((1) buy cryptocurrency from liquidity providers with fiat; (2). after buying, send the cryptocurrency to my company’s wallet hosted on the peer-to-peer (P2P) website; (3) after a customer starts a trade with my company on the P2P website, we verify their identity and receive payment in fiat; (4) after fiat payment is received, cryptocurrency is sent to the buying customer’s wallet.) falls under the Florida Money Transmitter Statute, Chapter 560, Florida Statutes. \*\*\*\*\*The original petition was published November 13, 2020 in the Florida Administrative Register Volume 46, Number 222.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, [Agency.Clerk@flofr.com](mailto:Agency.Clerk@flofr.com).

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, [Agency.Clerk@flofr.com](mailto:Agency.Clerk@flofr.com).

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

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

**NONE**

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

**NONE**

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

NONE

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

NONE

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

INVITATION TO BID FFS 20 21 60

the Florida Department of Agriculture and Consumer Services seeks to obtain sealed bids for paving project(s) in withlacoochee state forest.

Solicitation document: The solicitation document is available at the MyFloridaMarketPlace Vendor Bid System, [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu).

Solicitation Number ITB ffs 20 21 60. Interested participants may also contact the purchasing department at BIDS@FDACS.gov or by calling (850)617-7180.

**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, December 30, 2020 and 3:00 p.m., Tuesday, January 5, 2021.

Rule No.	File Date	Effective Date
12A-19.100	1/4/2021	1/24/2021
40B-4.1110	1/4/2021	1/24/2021
40B-4.3000	1/4/2021	1/24/2021

53ER21-1	12/30/2020	1/4/2021
61G5-17.016	1/4/2021	1/24/2021
61G5-18.00015	1/4/2021	1/24/2021
61G5-18.008	1/4/2021	1/24/2021
64B9-4.020	1/5/2021	1/25/2021
64B9-8.005	1/5/2021	1/25/2021
73BER20-2	12/30/2020	12/30/2020
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

**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.