

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.:	RULE TITLE:
60Q-6.102	Definitions
60Q-6.105	Commencing a Case; Subsequent Petitions
60Q-6.107	Amendment and Dismissal of Petition for Benefits
60Q-6.108	Filing and Service
60Q-6.110	Mediation, Generally
60Q-6.112	Disqualification of Mediator
60Q-6.113	Pretrial Procedure
60Q-6.115	Motion Practice
60Q-6.116	Prosecution of Claims and Petitions for Benefits
60Q-6.120	Summary Final Order
60Q-6.123	Settlements Under Section 440.20(11), Florida Statutes
60Q-6.124	Payment of Attorney's Fees and Costs Other Than Pursuant to Section 440.20(11), Florida Statutes
60Q-6.125	Sanctions
60Q-6.126	Disqualification or Recusal of Judges
60Q-6.130	Emergency Office Closure

PURPOSE AND EFFECT: To amend and update the procedural rules applicable to adjudication of workers' compensation disputes.

SUBJECT AREA TO BE ADDRESSED: These amendments serve to update the existing rules related to workers' compensation practice, including filing, procedure, mediation, and trial to improve the procedural process.

RULEMAKING AUTHORITY: 61.14(8)(a), 440.25(4)(h), 440.25(4)(i), 440.44(7), 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 61.14(8)(a), 440.105(3)(c), 440.192,(1),(2)(a), 440.20(11), 440.25(1),(2)-(4)(a)-(e),(g)-(i), **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.**

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: David Langham, (850)595-6310 x 108; david.langham@doah.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David Langham, (850)595-6310 x 108; david.langham@doah.state.fl.us

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

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-11.002	Definitions
63F-11.003	Reporting Incidents
63F-11.004	Reportable Incident Types
63F-11.006	Daily Reporting

PURPOSE AND EFFECT: The amendments expand definitions and regroup reportable incidents into intuitive categories. Incidents that must be reported are better defined, with some incident types added, and others removed.

SUBJECT AREA TO BE ADDRESSED: The amendments govern the mandatory reporting and dissemination of incidents in Department operated and contracted programs and facilities.

RULEMAKING AUTHORITY:

LAW IMPLEMENTED:

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

DATE AND TIME: Wednesday, November 3, 2021 at 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste.3200, Tallahassee, FL 32399-3100, email: john.milla@fldjj.gov

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

DEPARTMENT OF CHILDREN AND FAMILIES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-5.100	Definitions
65E-5.120	Forms
65E-5.1303	Discharge from Receiving and Treatment Facilities
65E-5.1703	Emergency Treatment Orders for the Administration of Psychotropic Medications
65E-5.280	Involuntary Examination
65E-5.2801	Minimum Standards for Involuntary Examination Pursuant to Section 394.463, F.S

PURPOSE AND EFFECT: The Department intends to amend rules 65E-5.100, .120, .1303, and .1703, F.A.C., to ensure provider compliance with statutes and legislative intent regarding standards and best practices for child welfare recipients and for high utilizers of crisis services. In addition, rules 65E-5.280 and .2801, F.A.C., will be amended to comport with new statutory language in section 394.463, F.S.

SUBJECT AREA TO BE ADDRESSED: Mental Health Regulation

RULEMAKING AUTHORITY: 394.457(5), 394.46715 FS.

LAW IMPLEMENTED: 394.455, 394.457, 394.4573, 394.459, 394.4598, 394.460, 394.463, 394.4655, 494.46715 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: Jodi Abramowitz. Jodi can be reached at (850)717-4470 or Jodi.Abramowitz@myflfamilies.com.

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

**Section II
Proposed Rules**

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
5J-7.004	Registration

PURPOSE AND EFFECT: The proposed rulemaking adds and amends incorporated department forms.

SUMMARY: The proposed rule will streamline the application process by incorporating the “Solicitation of Contributions Annual Financial Reporting Form” and by updating incorporated license applications and forms.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed revisions add and update incorporated department forms. There are no increased regulatory costs associated with these revisions. No interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 496.424 FS.

LAW IMPLEMENTED: 496.405, 496.406, 496.4071, 496.409, 496.410, 496.426 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:

Beth Evans, Chief, Bureau of Compliance, 2005 Apalachee Parkway, Tallahassee, FL 32399, (850)410-3848.

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-7.004 Registration.

(1) No change.

(2) Unless exempted pursuant to §Section 496.406, F.S., every charitable organization or sponsor soliciting in or from this state shall file with the department FDACS-10100, Solicitation of Contributions Registration Application, Rev. ~~XX/21 01/15~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05129>.

(3) Charitable organizations and sponsors exempt from registration pursuant to §Section 496.406(1)(d), F.S., shall file with the department FDACS-10110, Solicitation of Contributions Small Charitable Organizations/Sponsors Application, Rev. ~~XX/21 01/15~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention:

Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05130>.

(4) No change.

(5) Charitable organizations or sponsors shall notify the department of all material changes in the information submitted in either the initial registration statement or the last renewal statement within 10 days of the material change. The charitable organization or sponsor shall utilize FDACS-10118, Solicitation of Contributions Material Change Form, Rev. XX/21 01/15, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05132>. FDACS-10118 may also be completed and submitted online at: www.FDACS.gov www.800helpfla.com/registeronline.

(6) A charitable organization or sponsor that is required to initially register or annually renew registration must file an annual financial statement for the immediately preceding fiscal year. The charitable organization or sponsor shall utilize FDACS-10122, Solicitation of Contributions Annual Financial Reporting Form, XX/21, hereby incorporated by reference, or shall submit IRS forms and schedules in accordance with s. 496.407, F.S. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-> . Rulemaking Authority 496.424 FS. Law Implemented 496.405, 496.406, 496.4071, 496.409, 496.410, 496.426 FS. History—New 7-7-92, Amended 6-28-94, 3-13-95, 6-4-95, 11-6-95, 3-25-12, 1-19-14, 4-16-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Evans, Chief of Compliance
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Nicole Fried
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2021

PUBLIC SERVICE COMMISSION

RULE NO:	RULE TITLE:
25-30.025	Official Date of Filing
25-30.4345	Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges
25-30.445	General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding
25-30.446	Notice of and Public Information for Application for Limited Proceeding Rate Increase
25-30.455	Staff Assistance in Rate Cases
25-30.456	Staff Assistance in Alternative Rate Setting
25-30.565	Application for Approval of New or Revised Service Availability Policy or Charges.

PURPOSE AND EFFECT: To update and clarify rule language and application process; to decrease the number of paper copies required to be filed with the Commission; to address electronic filing of documents and give customers clear access to documents electronically; improve administrative efficiency; decrease regulatory costs; and allow for better comprehension of rule requirements.

Rule 25-30.4345 is referenced in Rules 25-30.434 and 25-30.565. The amendments to the noticing requirements in Rule 25-30.4345 will apply to water and wastewater utilities' applications for service availability charges or policies and for allowance for funds prudently incurred filed under Rules 25-30.434 and 25-30.565.

Rule 25-30.445 is referenced in Rule 25-30.446. The amendments to Rule 25-30.445 have no effect on Rule 25-30.446.

Rule 25-30.446, concerning notice and public information for limited proceeding rate increase, is referenced in Rules 25-30.444, 25-30.4445, and 25-30.445. Applications filed under Rules 25-30.444, 25-30.445, and 25-30.4445 will be required to comply with the amended noticing requirements of Rule 25-30.446, as specified in those rules.

Rule 25-30.455, Staff Assistance in Rate Cases, is referenced in Rules 25-22.0407, 25-30.444, 25-30.4445, 25-30.456, 25-30.457, and 25-30.4575. The amendments to Rule 25-30.455 have no effect on these rules.

Rule 25-30.456 is referenced in Rule 25-30.457. The amendments to Rule 25-30.456 have no effect on Rule 25-30.457.

Docket No. 20210122-WS

SUMMARY: Rule 25-30.025, F.A.C., Official Date of Filing, is amended to change the person responsible for determining the date on which the utility has filed a complete application from the Deputy Executive Director, Technical, to the Director

of the agency division that has been assigned the primary responsibility for the filing.

Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, is amended to update and clarify rule language; eliminate the requirement to file paper copies of documents at various locations; and require the utility to include a statement in its notice that the utility’s application can be accessed on the Commission’s website.

Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, is amended to update and clarify rule language and reduce the number of paper copies of applications filed at the Commission. The rule is amended to provide that a limited proceeding will not be allowed if the utility’s filing includes more than six separate projects for which recovery is sought; the requested rate increase exceeds 30 percent; the utility has not had a rate case within seven years of the date the petition for limited proceeding is filed; or the limited proceeding is filed as the result of the complete elimination of either the water or wastewater treatment process.

Rule 25-30.446, F.A.C., Notice of and Public Information for Application for Limited Proceeding Rate Increase, is amended to update and clarify rule language; eliminate the requirement to file paper copies of rate case documents at various locations; and require the utility to include a statement in its initial customer notice that the utility’s application can be accessed on the Commission’s website.

Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases, and Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting, are amended to update and clarify rule language and add specificity to the criteria making a utility eligible for staff assistance under each rule.

Rule 25-30.565, F.A.C., Application for Approval of New or Revised Service Availability Policy or Charges, is amended to update and clarify rule language; reduce the number of paper copies of applications filed at the Commission; and eliminate the requirement to file paper copies of the application at its local office.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and that there would likely be no transactional costs to

the individual and entities, including government entities, required to comply with the rule.

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: based upon the information contained in the SERC.

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: 350.127(2), 367.0814, 367.101, 367.121, 367.121(1), 367.121(1)(a), 367.121(1)(f) FS
LAW IMPLEMENTED: 367.081, 367.0812, 367.0184, 367.0822, 367.083, 367.091, 367.101, 367.111, 367.121(1)(a), 367.145(2) 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: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6199, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.025 Official Date of Filing.

(1) The “official date of filing” is the date on which the Director of the division that has been assigned the primary responsibility for the filing ~~Deputy Executive Director, Technical~~ determines the utility has filed completed sets of the minimum filing requirements (MFRs), including testimony that may be required by subsection 25-30.436(2), F.A.C., and payment of the appropriate filing fee to the Office of the Commission Clerk.

(2) The Director of the division that has been assigned the primary responsibility for the filing ~~will Deputy Executive Director, Technical shall~~ determine the official date of filing for any utility’s application and advise the applicant. The Commission ~~will shall~~ resolve any dispute regarding the official date of filing.

Rulemaking Authority 350.127(2), 367.121(1) FS. Law Implemented 367.083 FS. History—New 3-26-81, Formerly 25-10.12, 25-10.012, Amended 11-10-86, 11-30-93, _____.

25-30.4345 Notice of Applications Requests for New or Revised Service Availability Charges or Policies and Notice of Applications Requests for Allowance for Funds Prudently Invested (AFPI) Charges.

(1) This rule applies to all applications requests for new or revised service availability charges or policies and to all applications requests for allowance for funds prudently

invested (AFPI) charges made by water and wastewater utilities, including those requests made in conjunction with an application a request for a general rate increase.

~~(2) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall place a copy of the application at its official headquarters and at any business offices it has in the service areas included in the request. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in a service area included in the request, the utility shall place a copy of the application at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to said copies. The Commission may require that copies of the application be placed at other specified locations.~~

~~(2)(3)(a)~~ Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility must publish ~~shall have published~~ a notice of application in a newspaper of general circulation in the service areas included in the application ~~petition~~.

(b) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility must shall mail or hand deliver a notice of application to all persons in the service areas included in the application who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the application is filed.

(c) No change.

(d) The notice of application must ~~petition shall~~ include the following:

1. No change.

2. A statement that the utility has filed an application a ~~petition~~ for new or revised service availability charges or policies or AFPI charges with the Commission;

3. No change.

4. A statement that the utility's application can be accessed on the Commission's website ~~of the locations where copies of the application are available for public inspection and the times during which inspection may be made;~~

5. through 6. No change

7. A statement that any comments concerning the policy or charges should be addressed to the ~~Director of the~~ Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Rulemaking Authority 350.127(2), 367.121(1)(f) FS. Law Implemented 367.091, 367.101, 367.111, ~~367.094~~ FS. History—New 5-27-93, Formerly 25-22.0408, _____.

25-30.445 General Information and Instructions Required of Water and Wastewater Utilities in an

Application for a Limited Proceeding.

(1) Each applicant for a limited proceeding must shall provide the following general information to the Commission:

(a) through (e) No change.

(2) In a limited proceeding application:

(a) Each schedule must shall be cross-referenced to identify related schedules.

(b) Except for handwritten official company records, all data in the petition and application must shall be typed.

(c) The original and ~~three seven~~ copies must shall be filed with the Office of Commission Clerk. The copies must be clearly labeled "COPY." If the application is e-filed, the utility must provide the required number of paper copies, clearly labeled "COPY," to the Office of Commission Clerk within seven calendar days after electronic filing.

(3) A filing fee as required in Rule 25-30.020, F.A.C., must shall be submitted at the time of application.

(4) The following minimum filing requirements must shall be filed with the utility's application for limited proceeding for a Class A or B water or wastewater utility:

(a) through (b) No change.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery. Supporting detail must shall be provided for each item requested, including:

1. through 4. No change.

(d) If the utility's application includes a request for recovery of plant in service, accumulated depreciation and depreciation expense, supporting detail must shall be provided by primary account as defined by the NARUC Uniform System of Accounts, in accordance with Rule 25-30.110, F.A.C.

(e) A calculation of the weighted average cost of capital must shall be provided for the most recent 12-month period, using the mid-point of the range of the last authorized rate of return on equity, the current embedded cost of fixed-rate capital, the actual cost of short-term debt, the actual cost of variable-cost debt, and the actual cost of other sources of capital which were used in the last individual rate proceeding of the utility. If the utility does not have an authorized rate of return on equity, the utility must shall use the current leverage formula pursuant to Section 367.081(4)(f), F.S.

(f) If the utility is requesting recovery of operating expenses, the following information must shall be provided:

1. through 4. No change.

(g) No change.

(h) If the utility includes any other items where calculations are required, supporting documentation must shall be filed that reflects the calculations or assumptions made.

(i) through (k) No change.

(l) Schedules for the most recent 12-month period

showing that, without any increased rates, the utility will earn below its authorized rate of return in accordance with Section 367.082, F.S. The schedules ~~must shall~~ consist of a rate base, net operating income and cost of capital schedule with adjustments to reflect those consistent with the utility’s last rate proceeding.

(m) If the limited proceeding is being requested to change the current rate structure, provide a copy of all workpapers and calculations used to calculate requested rates and allocations between each customer class. The test year ~~must shall~~ be the most recent 12-month period. In addition, the following schedules, ~~which are incorporated herein by reference, from Form PSC 1028 (12/20) PSC/AFD 19 W (11/93), entitled “Class A Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements,” which is incorporated by reference in Rule 25-30.437, F.A.C., must shall be provided; The schedules can be obtained from the Commission’s Division of Accounting and Finance.~~

1. Schedule E-2, entitled “Revenue Schedule at Present and Proposed Rates,” ~~is available at http://www.flrules.org/Gateway/reference.asp?No=Ref_08251~~

2. Schedule E-14, entitled “Billing Analysis Schedules,” ~~is available at http://www.flrules.org/Gateway/reference.asp?No=Ref_08252~~

Only an original and one copy ~~is two copies~~ are required.

(n) No change.

(o) A water utility’s application for limited proceeding ~~must shall~~ also include:

1. through 2. No change.

(5) In addition to the requirements stated in subsections (1) through (3), the following minimum filing requirements ~~must shall~~ be filed with the utility’s application for limited proceeding for a Class C water or wastewater utility:

(a) through (b) No change.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery, if known. Supporting detail ~~must shall~~ be provided for each item requested, including:

1. through 4. No change.

(d) through (g) No change.

(h) A Class C water utility’s application for limited proceeding ~~must shall~~ also include:

1. through 2. No change.

(6) ~~A limited proceeding will not be allowed if: In evaluating whether the utility’s request is improper for a limited proceeding, the Commission will consider factors such as:~~

(a) ~~Whether T~~the utility’s filing includes more than ~~six~~ 4 separate projects for which recovery is sought ~~and the requested rate increase exceeds 30 percent~~. Corresponding adjustments for a given project are not subject to the above

limitation;

~~(b) The requested rate increase exceeds 30 percent;~~

~~(c)(b) Whether T~~the utility has not had a rate case ~~within in more than~~ seven years of the date the petition for limited proceeding is filed with the Commission; ~~and the requested rate increase exceeds 30 percent~~; or

~~(d)(c) Whether T~~the limited proceeding is filed as the result of the complete elimination of either the water or wastewater treatment process ~~and the requested rate increase exceeds 30 percent~~.

(7) The utility ~~must shall~~ provide a statement in its filing to the Commission ~~that which~~ addresses whether the utility’s rate base has declined or whether any expense recovery sought by the utility is offset by customer growth since its most recent rate proceeding or will be offset by future customer growth expected to occur within one year of the date new rates are implemented.

Rulemaking Authority 350.127(2), 367.121(1)(a) FS. Law Implemented 367.081, 367.0812, 367.0822, 367.121(1)(a), 367.145(2) FS. History—New 3-1-04, Amended 5-30-17, _____.

25-30.446 Notice of and Public Information for Application for Limited Proceeding Rate Increase.

(1) This rule applies to all applications requests for limited proceeding rate increases made by a water or wastewater utility.

(2) Upon filing an application a petition for limited proceeding rate increase, the utility must notify shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request that the utility has applied for a limited proceeding rate increase. The notification must clearly identify the Commission-assigned docket number and include Each copy of the petition shall be accompanied by a statement that a copy of the application and Minimum Filing Requirements (MFRs) set forth in Rule 25-30.445, F.A.C., ~~when accepted by the Commission can be accessed on the Commission’s website obtained from the petitioner upon request.~~

(3) ~~Within 30 days after the official date of the filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at all business offices it has in the service areas included in the rate request. Such copies shall be available for public inspection during the utility’s regular business hours. If the utility does not have a business office in a service area included in its rate request, the utility shall place a copy of the petition and the MFRs at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is~~

~~willing to accept and provide public access to the copies. If the Commission determines that these locations will not provide adequate access, the Commission will require that copies of the petition and MFRs be placed at other specified locations.~~

(3)(4) Upon filing an application ~~a petition~~ and MFRs for a limited proceeding, the utility must shall publish a notice of application in a newspaper of general circulation in the service areas included in the application ~~petition~~.

(4)(5)(a) Within 50 days after the official date of filing established by the Commission, the utility must shall provide, in writing, an initial customer notice to all customers within the service areas included in the rate request and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(b) The initial customer notice must be approved by Commission staff prior to distribution and must shall include the following:

1. through 2. No change

3. A statement ~~that of the locations where copies of the MFRs and application-petition are available on the Commission's website for public inspection and the hours and days when inspection may be made;~~

4. through 8. No change.

(c) The initial customer notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(5)(6) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility must shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within the service areas designated by the Commission staff. The notice must be approved by Commission staff prior to distribution. The notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(6)(7) If a proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility must give notice in accordance with subsection (5) of this rule shall give notice no less than 14 days and no more than 30 days prior to the date of each hearing held in or near a utility service area included in the rate request. The utility must shall also publish have published in a newspaper of general circulation in the area in which such hearing is to be held a display advertisement stating the date, time, location, and purpose of the hearing. The notice must be approved by Commission staff prior to publication.

(7)(8) After the Commission issues an order granting or denying a rate change, the utility must shall notify its customers of the order and any revised rates. The customer

notification must be first approved by Commission staff and must shall be distributed no later than with the first bill containing any revised rates.

Rulemaking Authority 350.127(2), 367.121(1)(a) FS. Law Implemented 367.0822, 367.121(1)(a) FS. History—New 3-1-04, _____.

25-30.455 Staff Assistance in Rate Cases.

(1) Water and wastewater utilities whose total gross annual operating revenues are \$300,000 or less for water service or \$300,000 or less for wastewater service, or \$600,000 or less on a combined basis, may file with the Office of Commission Clerk an application ~~petition the Commission~~ for staff assistance in rate applications by submitting a completed staff assisted rate case application. Reasonable and prudent rate case expense is shall be eligible for recovery through the rates developed by staff. Recovery of attorney fees and outside consultant fees related to the rate case is shall be determined based on the requirements set forth in Section 367.0814(3), F.S. To be eligible for staff assistance under this rule:

(a) The applicant or utility owner must have at least one year of experience operating the utility for which the rate increase is being requested;

(b) The utility must be in compliance with its annual report filing in accordance with subsection 25-30.110(3), F.A.C.; and

(c) The utility must have paid all required regulatory assessment fees or must be current on any approved regulatory assessment fee payment plan.

~~A utility that chooses not to exercise the option of staff assistance may file for a rate increase under the provisions of rule 25-30.443, F.A.C.~~

(2) The appropriate application form, Commission Form PSC/AFD 2-W (11/86) (Rev. 06/14), entitled "Application for a Staff Assisted Rate Case," is incorporated into this rule by reference and is available at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04415>. The form is also available on the Commission's website, www.floridapsc.com. ~~may also be obtained from the Commission's Division of Accounting and Finance, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

(3) No change.

(4)(a) Within 30 days of receipt of the completed application, the Commission will evaluate the application and determine the applicant's eligibility for staff assistance.

(b)(a) If the Commission has received four or more applications in the previous 30 days; or, if the Commission has 20 or more docketed staff assisted rate cases in active status on the date the application is received, the Commission will deny initial evaluation of an application for staff assistance and

close the docket. When an application is denied under the provisions of this paragraph, the Commission staff will notify the applicant of the date on which the application may be resubmitted.

~~(c)(b)~~ Initially, determinations of eligibility will be conditional, pending an examination of the condition of the applicant's books and records.

(5) Upon making its final determination of eligibility, the Commission staff will notify the applicant in writing as to whether the application is officially accepted or denied. If the application is accepted, a staff assisted rate case will be initiated. If the application is denied, the notification of application denial will state the deficiencies in the application ~~with reference to the criteria set out in subsection (7) of this rule.~~

(6) The date of Commission staff's written notification to the utility that the utility is eligible for staff assistance under this rule will be considered the date of official acceptance of the application by the Commission. The official date of filing ~~is~~ will be 30 days after the official acceptance of the application by the Commission staff. ~~date of the written notification to the applicant of the Commission's official acceptance of the application.~~

~~(7) In determining whether to grant or deny the application, the Commission will consider the following criteria:~~

~~(a) Whether the applicant qualifies for staff assistance pursuant to subsection (1) of this rule;~~

~~(b) Whether the applicant's books and records are organized consistent with rule 25-30.110, F.A.C., so as to allow Commission personnel to verify costs and other relevant factors within the 30-day time frame set out in this rule;~~

~~(c) Whether the applicant has filed annual reports;~~

~~(d) Whether the applicant has paid applicable regulatory assessment fees;~~

~~(e) Whether the applicant has at least one year of experience in utility operation;~~

~~(f) Whether the applicant has filed additional relevant information in support of eligibility, together with reasons why the information should be considered; and,~~

~~(g) Whether the utility was granted a rate case increase within the 2-year period prior to the receipt of the application under review.~~

~~(7)(8)~~ The Commission will deny the application is deemed denied if the utility does not remit the filing fee, as provided by paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

~~(8)(9)~~ An aggrieved applicant may request reconsideration of the application denial within 15 days of receipt of notification that the application is denied. The request, which will be decided by the full Commission.

~~(9)(10)~~ A substantially affected person may file a petition to protest the Commission's proposed agency action in a staff assisted rate case within 21 days of issuance of the Notice of Proposed Agency Action Order, as set forth in Rule 28-106.111, F.A.C.

~~(10)(11)~~ A petition to protest the Commission's proposed agency action must shall conform to Rule 28-106.201, F.A.C.

~~(11)(12)~~ In the event of a protest of the Commission's Notice of Proposed Agency Action Order in a staff assisted rate case, the utility must shall:

(a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure issued in the case. At a minimum, that testimony must shall adopt the Commission's Proposed Agency Action Order;

(b) through (d) No change.

~~(12)(13)~~ Failure to comply with the dates established in the Order Establishing Procedure, or to timely file a request for extension of time for good cause shown, may result in dismissal of the staff assisted rate case and closure of the docket.

~~(13)(14)~~ In the event of a protest of the Commission's Proposed Agency Action Order in a staff assisted rate case, the Commission staff will shall:

(a) File prefiled direct testimony to explain its analysis in the staff proposed agency action recommendation. In the event the staff wishes to alter its position on any issue, it will shall provide factual testimony to support its changed position;

(b) No change.

(c) Provide to the utility materials to assist the utility in the preparation of its testimony and exhibits. This material will shall consist of an example of testimony filed by a utility in another case, an example of testimony that would support the Proposed Agency Action Order in this case, an example of an exhibit filed in another case, and examples of prehearing statements and briefs filed in other cases.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00, 12-16-08, 8-10-14, 2-19-17, 7-1-18, _____.

25-30.456 Staff Assistance in Alternative Rate Setting.

(1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., water and wastewater utilities whose total gross annual operating revenues are \$300,000 or less for water service or \$300,000 or less for wastewater service, or \$600,000 or less on a combined basis, may file with the Office of Commission Clerk an application petition the Commission for staff assistance in alternative rate setting by submitting a completed staff assisted application for alternative rate setting. To be eligible for staff assistance under this rule:

(a) The applicant or utility owner must have at least one

year of experience operating the utility for which the rate increase is being requested:

(b) The utility must be in compliance with its annual report filing in accordance with subsection 25-30.110(3), F.A.C.; and

(c) The utility must have paid all required regulatory assessment fees or must be current on any approved regulatory assessment fee payment plan.

(2) The ~~appropriate~~ application form, Commission Form PSC/AFD 25 (11/93) (Rev. 06/14), entitled "Application for Staff Assistance for Alternative Rate Setting," is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-04414>. The form is also available on the Commission's website, www.floridapsc.com. ~~may also be obtained from the Commission's Division of Accounting and Finance, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

(3) Upon completion of the form, the applicant must shall file it with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

(4)(a) Within 30 days of receipt of the completed application, the Commission will evaluate the application and determine the applicant's eligibility for staff assistance.

~~(b)(a)~~ If the Commission has received four or more alternative rate setting applications in the previous 30 days; or, if the Commission has 20 or more docketed staff assisted rate cases in active status on the date the application is received, the Commission will deny initial evaluation of an application for staff assistance and close the docket. When an application is denied under the provisions of this paragraph, the Commission staff will notify the applicant of the date on which the application may be resubmitted.

~~(c)(b)~~ Determinations of eligibility will be conditional, pending an examination of the condition of the applicant's books and records.

(5) Upon making its final determination of eligibility, the Commission staff will notify the applicant in writing as to whether the application is officially accepted or denied. If the application is accepted, staff assistance in alternative rate setting will be initiated. If the application is denied, the notification of application denial will state the deficiencies in the application ~~with reference to the criteria set out in subsection (7) of this rule.~~

(6) The date of Commission staff's written notification to the utility that the utility is eligible for staff assistance under this rule will be considered the date of official acceptance of the application by the Commission. The official date of filing ~~is will be~~ 30 days after the date of official acceptance of the application. ~~the written notification to the applicant of the Commission's official acceptance of the application.~~

~~(7) In determining whether to grant or deny the application, the Commission will consider the following criteria:~~

~~(a) Whether the applicant qualifies for staff assistance pursuant to subsection (1) of this rule;~~

~~(b) Whether the applicant's books and records are organized consistent with rule 25-30.110, F.A.C., so as to allow Commission personnel to verify costs and other relevant factors within the 30-day time frame set out in this rule;~~

~~(c) Whether the applicant has filed annual reports;~~

~~(d) Whether the applicant has paid applicable regulatory assessment fees;~~

~~(e) Whether the applicant has at least one year of experience in utility operation;~~

~~(f) Whether the applicant has filed additional relevant information in support of eligibility, together with reasons why the information should be considered; and,~~

~~(g) Whether the utility was granted a rate ease increase within the 2-year period prior to the receipt of the application under review.~~

~~(7)(8)~~ The Commission will ~~deny~~ the application is deemed denied if the utility does not remit the filing fee, as provided by paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

~~(8)(9)~~ An ~~aggrieved~~ applicant may request reconsideration of the application denial within 15 days of receipt of notification that the application is denied. The request which will be decided by the full Commission.

~~(9)(10)~~ The Commission will, for the purposes of determining the amount of rate increase, if any, compare the operation and maintenance expenses (O & M) of the utility to test year operating revenues. The Commission will consider an allowance for return on working capital using the one-eighth of O & M formula approach.

~~(10)(11)~~ The Commission will limit the maximum increase in operating revenues to 50 percent of test year operating revenues.

~~(11)(12)~~ The Commission will vote on a proposed agency action recommendation establishing rates no later than 90 days from the official filing date as established in subsection (6) of this rule.

~~(12)(13)~~ A substantially affected person may file a petition to protest the Commission's Proposed Agency Action Order regarding a staff assisted alternative rate setting application within 21 days of issuance of the Notice of Proposed Agency Action Order as set forth in ~~R~~rule 28-106.111, F.A.C.

~~(13)(14)~~ A petition to protest the Commission's proposed agency action must shall conform to ~~R~~rule 28-106.201, F.A.C.

~~(14)(15)~~ In the event of protest of the Proposed Agency Action Order by a substantially affected person, the rates

established in the Proposed Agency Action Order may be implemented on a temporary basis, subject to refund with interest in accordance with ~~Rule~~ 25-30.360, F.A.C. At that time, the utility may elect to pursue rates set pursuant to the rate base determination provisions of ~~Rule~~ 25-30.455, F.A.C.

~~(15)(16)~~ In the event of a protest, the maximum increase established in subsection ~~(10)(11)~~ of this rule ~~shall~~ no longer ~~applies~~ apply.

~~(16)(17)~~ In the event of a protest of the Commission’s Proposed Agency Action Order in a staff assisted alternative rate setting application, the utility ~~must shall~~:

(a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure issued in the case. At a minimum, that testimony ~~must shall~~ adopt the Commission’s Proposed Agency Action Order;

(b) through (d) No change.

~~(17)(18)~~ Failure to comply with the dates established in the Order Establishing Procedure, or to timely file a request for extension of time for good cause shown, may result in dismissal of the staff assisted alternative rate setting application and closure of the docket.

~~(18)(19)~~ In the event of protest of the Commission’s Proposed Agency Action Order in a staff assisted alternative rate setting application, the Commission staff ~~will shall~~:

(a) File prefiled direct testimony to explain its analysis in the proposed agency action recommendation. In the event the staff wishes to alter its position on any issue, it ~~will shall~~ provide factual testimony to support its changed position;

(b) No change.

(c) Provide to the utility materials to assist the utility in the preparation of its testimony and exhibits. This material ~~will shall~~ consist of an example of testimony filed by a utility in another case, a sample of testimony that would support the Proposed Agency Action Order in this case, an example of an exhibit filed in another case, and examples of prehearing statements and briefs filed in other cases.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 11-30-93, Amended 1-31-00, 12-16-08, 8-10-14, 7-1-18, _____.

25-30.565 Application for Approval of New or Revised Service Availability Policy or Charges.

(1) An original and one copy of an ~~Each~~ application for a service availability policy or charges ~~must shall~~ be filed with the Office of Commission Clerk. The copy must be clearly labeled “COPY.” If the application is e-filed with the Commission Clerk, the utility must file one paper copy, clearly labeled “COPY,” with the Commission Clerk within seven calendar days after e-filing. ~~in original and six copies.~~

(2) Upon filing an application for a new or revised service availability charge or policy, the utility ~~must shall~~ provide

notice pursuant to Rule 25-30.4345, F.A.C.

(3) A filing fee as required in Rule 25-30.020, F.A.C., ~~must shall~~ be submitted at the time of application.

(4) Each application ~~must shall~~ include the following, if applicable:

(a) No change.

(b) The name of the applicant, the applicant’s principal place of business and each local office from which company operations are conducted. The applicant’s name ~~must shall~~ be as it appears on the certificate issued by the Commission if one has been issued.

(c) through (i) No change.

(j) ~~Provide~~ A list of outstanding developer agreements.

(k) through (v) No change.

(w) ~~An original and three copies of~~ The proposed tariff sheets.

~~(5) Upon filing of the application and supporting exhibits, the utility shall place copies thereof at its local office of the utility serving the area affected by the charges and conditions, and such copies shall be made available for public inspection.~~

~~(5)(6)~~ Each utility ~~must shall~~ demonstrate the appropriateness of the requested service availability charges and conditions.

Rulemaking Authority 350.127(2), 367.121(1), 367.101 FS. Law Implemented 367.101 FS. History—New 6-14-83, Amended 11-10-86, 11-30-93, 5-29-08 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kathryn G.W. Cowdery

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 12, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: Volume 47, Number 67, April 7, 2021.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:

59C-1.008 Certificate of Need Application Procedures

PURPOSE AND EFFECT: HB 21 (2019-136, L.O.F.) repealed provisions of Chapter 408 Part II, relating to certificate of need applications for general hospitals. The Agency proposes to amend Rule 59C-1.008 and application forms incorporated into the rule to remove references to Rule Chapter 59A-3 (Hospital Licensure) and hospital providers. In addition, the proposed amendments will include clarification for reporting mathematical or data input errors made by the Agency in its calculation of the Fixed Need Pool numbers.

SUMMARY: The Agency is proposing to amend Rule 59C-1.008 to remove references to Rule Chapter 59A-3 Hospital Licensure and to remove references of the term’s hospitals and

general hospitals. The Agency further proposes to revise incorporated forms AHCA Form 3150-0001 and AHCA Form 3150-0003.

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: A SERC has not been prepared by the agency. For rules listed where no SERC was prepared, the Agency prepared a checklist for each rule to determine the necessity for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 408.034(3), 408.15(8), FS.

LAW IMPLEMENTED: 408.033, 408.034, 408.035, 408.036, 408.037, 408.038, 408.039, 408.040, 408.042, F.S.

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

DATE AND TIME: November 9, 2021, from 2:00pm – 3:00pm

PLACE: No public face-to-face meeting. This hearing will be conducted via teleconference. Participate by dialing the Open Voice conference line, 1(888)585-9008, then enter the conference room number followed by the pound sign, 476-211-242#. The agenda and related materials can also be found on the web at:

https://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Rulemaking.shtml.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: James McLemore, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS 28, Tallahassee, Florida, 32308, (850)412-4346, Email: James.McLemore@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James McLemore, (850)412-4346, email: James.McLemore@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for ~~hospital facilities and hospice programs and freestanding inpatient hospice facilities~~ and for nursing homes and intermediate care facilities for the developmentally disabled (ICF/DD), as specified in paragraph (g) of this subsection. The category “~~hospital facilities and hospice~~” includes proposals for new ~~Class II, III or IV hospital facilities pursuant to subsection 59A 3.252(1), F.A.C., replacement Class II, III or IV hospital facilities if being replaced more than a mile away,~~ hospice programs and hospice inpatient facilities. The category “nursing homes and ICF/DDs ~~intermediate care facilities for the developmentally disabled~~” includes proposals for community nursing home projects unless the project meets criteria in Section 408.036(2) or Section 408.036(3), F.S., and intermediate care facilities for the developmentally disabled.

(a) Letter of Intent. A letter of intent shall state with specificity the type of project proposed with sufficient clarity to notify the public of the intention to file a Certificate of Need application. A separate letter of intent is required for each type of project and for each type of bed, program or facility service having a separate need methodology, ~~proposed to be located in a different planning area as defined for each program under this chapter, or licensing category, even if the projects are within the same facility.~~ At least 30 days prior to the applicable batching cycle application due date, an applicant shall file a letter of intent respecting the development of a proposal in the following manner:

1. The letter of intent must be actually received by the Agency by 5:00 p.m. (local time). The original of the letter of intent must be submitted to the Agency at the address in paragraph 59C-1.008(1)(f), F.A.C.

2. A letter of intent is for a specific project within a specific geographic planning area as defined by rule or statute for an established planning horizon. When no planning area is defined, the District should be specified.

3. A prospective applicant submitting a letter of intent is solely responsible for its conformity with any and all statutory and rule criteria.

4. If an application is not filed on or before the earliest subsequent due date for filing applications of the same type as that specified in the letter of intent, the letter of intent will be considered invalid and a new letter of intent must be timely filed in a subsequent batching cycle before an application may

be filed.

(b) No change

(c) As to content, the letter of intent shall describe the proposal with specificity by indicating clearly and unequivocally the following information:

1. Identification of the applicant means the legal name, mailing address, and telephone number of the applicant.

a. If an existing health care facility seeks to undertake a project subject to a comparative review, then the legal name of the license holder must be stated and the license holder must be the applicant except when the applicant has a pending application to become the new licensee of the existing health care facility filed with the applicable licensure unit within the Agency's Bureau of Health Facility Regulation. In addition, the license number and date of expiration must be stated. It is the responsibility of the person issued a license to keep licensure information current. If Agency records indicate information different from that presented in the letter of intent with respect to the identification of the holder of the license and the licensure status, then the Agency records create a rebuttable presumption as to the correctness of those records and therefore the letter of intent is not valid.

b. If the proposal is for a project which will result in licensure of a new health care facility, the applicant seeking the Certificate of Need must be in existence at the time the letter of intent is submitted. If the applicant is a corporation, Limited Partnership, or otherwise organized, it must have filed an application with the Florida Department of State authorizing the applicant to conduct business in Florida.

2. The letter of intent must identify the type of project proposed and shall contain only one project type as described in Section 408.036(1), F.S.

3. The number of beds sought is indicated by the numerical representation of how many beds of a specific type will compose the proposed project.

~~4. Services is the type of health care service sought and shall be indicated by describing the specific service requested.~~

~~4.5-~~ Location refers to the health planning subdistricts adopted in Chapter 59C-2, F.A.C., for nursing home projects in each program rule under this chapter, or the service areas adopted in Rule 59C-1.0355, F.A.C., for hospice projects districts. The applicant must indicate the subdistrict or service area by name or number. Applicants must also give the name of the county where the proposed project will be located, ~~as provided in Chapter 59C-2, F.A.C.~~

(d) Letter of Intent Deadline Extension. In order to provide for a mechanism by which applications may be filed to compete with the proposals described in filed letters of intent the following provisions apply:

1. In cases where a letter of intent for a specific type of project has been received by the Agency 30 calendar days or

more prior to the appropriate application filing due date as set forth in paragraph 59C-1.008(1)(g), F.A.C., and been initially accepted by the Agency, a grace period shall be established.

2. The grace period provides an opportunity for applicants applying for beds, programs or facilities services having the same Certificate of Need need methodology or health care facility service licensing category proposed in the initially accepted letter of intent in the same applicable subdistrict or district to file a proposed competing letter of intent. Under this grace period, a competing letter of intent must be filed not later than 16 days after the letter of intent deadline promulgated under paragraph 59C-1.008(1)(g), F.A.C.

3. It shall be the sole responsibility of the Agency to determine if a letter of intent is competing with any other letter of intent.

4. The application filing due date shall not be extended for any applicant filing a letter of intent under the requirements of this paragraph unless specified under the provisions of subparagraph 59C-1.008(1)(g)1., F.A.C.

5. The Agency shall publish notices of filing of letters of intent in the Florida Administrative Register in accordance with Section 408.039(2)(d), F.S.

(e) No change

(f) Certificate of Need Application Submission.

An application for a Certificate of Need shall be submitted on AHCA Forms 3150-0001, August ~~2021~~ ~~2020~~ Application For A Certificate of Need, which includes a Cover Page, Schedules A, B, C, D, D-1, 1, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10 and 11, which are incorporated by reference herein <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. An application for a transfer of a Certificate of Need shall be submitted on AHCA Form 3150-0003, August ~~2021~~ ~~2020~~ Transfer Of A Certificate of Need which includes Schedules 1(TRN), 10(TRN), 11(TRN), 12(TRN), B(TRN), D(TRN), D-1(TRN), in addition to a Cover (TRN) Page, which are incorporated by reference herein <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. Paper copies or copies on electronic media of AHCA Form 3150-0001, August ~~2021~~ ~~2020~~ Application For A Certificate of Need, or AHCA Form 3150-0003, August ~~2021~~ ~~2020~~ Transfer of A Certificate of Need, and the Schedules may be obtained from:

Agency for Health Care Administration
Certificate of Need
2727 Mahan Drive, Mail Stop #28
Tallahassee, FL 32308

Electronic versions of AHCA Forms 3150-0001 and 3150-0003 and the Schedules are also available at http://ahca.myflorida.com/MCHQ/CON_FA/Application/index.shtml.

1. The application must be actually received by the

Agency by 5:00 p.m. (local time) on or before the application due date.

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the Agency and shall be withdrawn from further review.

3. Applications may propose a lesser number of beds than that contained in the letter of intent.

(g) Applications Subject to Comparative Review – Batching Cycles. In order that applications pertaining to similar types of ~~programs services~~ or facilities affecting the same service ~~area~~, district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule, unless the date is a designated state holiday then it shall be received by the agency the next business day:

~~Hospital Facilities and Hospice~~

1st Batching Cycle

Summary Need Projections Published in the F.A.R.	First Friday in February
Letter of Intent Deadline	Fourth Monday in February
Application Deadline	Last Wednesday in March
Completeness Review Deadline	First Wednesday in April
Application Omissions Deadline	Fourth Wednesday in April
Agency Initial Decision Deadline	Third Friday in June

~~Hospital Facilities and Hospice~~

2nd Batching Cycle

Summary Need Projections Published in the F.A.R.	First Friday in August
Letter of Intent Deadline	Fourth Monday in August
Application Deadline	Last Wednesday in September
Completeness Review Deadline	First Wednesday in October
Application Omissions Deadline	Fourth Wednesday in October
Agency Initial Decision Deadline	Third Friday in December

Nursing Homes and ICF/DDs

1st Batching Cycle

Summary Need	First Friday in April
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Projections Published in the F.A.R.		
Letter of Intent Deadline	d Monday in April	Thir
Application Deadline	d Wednesday in May	Thir
Completeness Review Deadline	th Wednesday in May	Four
Application Omissions Deadline	d Wednesday in June	Thir
Agency Initial Decision Deadline	nd Friday in August	Seco

Nursing Homes and ICF/DDs
2nd Batching Cycle

Summary Need Projections Published in the F.A.R.	Friday in October	First
Letter of Intent Deadline	Monday in October	Third
Application Deadline	Wednesday in November	Third
Completeness Review Deadline	Wednesday in November	Fourth
Application Omissions Deadline	Wednesday in December	Third
Agency Initial Decision Deadline	Friday in February	Second

1. Section 408.039 (2)(a), F.S. prevails in cases of conflict. In months when the application deadline is less than thirty days from the letter of intent deadline, the application deadline, the completeness review deadline, and the application omissions deadline will be extended by one week. The Agency initial decision deadline will remain the same.

2. Paragraph 59C-1.008 (1)(d), F.A.C., prevails in cases of conflict and summary need projections published in the Florida Administrative Register (F.A.R.) shall be published one week earlier than identified above with all other dates in the batching cycle remaining unchanged.

3. All dates shall be posted by January 1 of each calendar year on the Agency website at

http://ahca.myflorida.com/MCHQ/CON_FA/Batching/index.shtml.

(h) through (i) no change

(2) Fixed Need Pools.

(a) Publication of Fixed Need Pools.

1. The Agency shall publish in the Florida Administrative Register at least 15 days prior to the letter of intent deadline for a particular batching cycle the Fixed Need Pools for the applicable planning horizon specified for each bed or program service in applicable Agency rules contained in Rules 59C-1.0355 and 59C-1.036 59C-1.034 .041, F.A.C. In cases of conflict with paragraph 59C-1.008 (1)(g), F.A.C., subparagraph 59C-1.008(2)(a)1., F.A.C., prevails, and the summary need projections published in the F.A.R. shall be published one week earlier with all other dates in the batching cycle remaining as noticed in paragraph 59C-1.008(1)(g), F.A.C.

2. Any person who identifies a mathematical or data input an error made by the Agency in its calculation of in the Fixed Need Pool numbers must advise the Agency of the error within 10 days of the date the Fixed Need Pool was published in the Florida Administrative Register. As used in this section, the term "error" does not include inaccuracies in reports which provide the underlying data required to calculate the Fixed Need Pool numbers if such reports were not produced by the Agency unless the Agency is notified of such inaccuracy at least fifteen days prior to the initial publication of the Fixed Need Pool numbers. If the Agency concurs in the error, the Fixed Need Pool number will be adjusted and re-published in the first available edition of the Florida Administrative Register. Failure to notify the Agency of the error during this time period will result in no adjustment to the Fixed Need Pool number for that batching cycle.

3. Except as provided in subparagraph 2. above, the batching cycle specific Fixed Need Pools shall not be changed or adjusted in the future regardless of any future changes in need methodologies, population estimates, bed inventories, or other factors which would lead to different projections of need, if retroactively applied.

(b) Counting Beds and Programs Services. For the purpose of establishing a Fixed Need Pool, all existing and approved beds at the time the Fixed Need Pool is computed will be included in the beds or program services inventory. If a specific substantive rule addresses the date upon which existing and approved beds and programs services will be counted, those rules will take precedence over this rule. In all other cases:

1. Beds and programs services will be counted as approved on the date a Certificate of Need is issued or a written decision of intent to award a Certificate of Need is made, whichever occurs first.

2. Beds or programs services initially denied by the Agency and subsequently granted in Administrative Hearing or by stipulated agreement will be counted as approved when the final order granting them is rendered. No beds or programs services previously denied will be included in the inventory based on a recommended order.

(c) Deleting Beds or Programs Services. Beds or programs services will be included in the inventory as long as there is a valid intent to grant or a valid Certificate of Need outstanding. Beds or programs services will not be deleted from the inventory until an intent to grant is overturned in a final order or judicial review of the final order. Beds or programs services will not be deleted from the inventory until a Certificate of Need is rescinded, revoked, modified, voided, or voluntarily surrendered by an applicant. Licensed beds and programs services will be deleted when the license is no longer in effect. The effective date for the deletion will be the date the license was voluntarily surrendered by the license holder, the date of final Agency action in the case of a final order or the date of a court order if a final order is appealed.

(d) The Agency will follow these procedures when awarding beds or programs services identified in a Fixed Need Pool:

1. Beds or programs services will be awarded based on the availability of a qualified applicant and proposed project which meets statutory review criteria.

2. In the absence of a qualified applicant and a project which meets statutory review criteria, the Agency may elect not to approve any applications for beds or services.

3. If a qualified applicant exists but the proposed project exceeds the beds or programs services identified in the Fixed Need Pool, the Agency may award beds or programs services in excess of the pool when warranted by special circumstances as defined in the applicable section of Chapter 59C-1, F.A.C., for the particular type of bed or program service.

(e) Comparative Review. Applications submitted to the Agency in the same batching cycle for the same program service or beds having the same Certificate of Need methodology in the same district or subdistrict, as defined in applicable rules, shall be comparatively reviewed through final Agency action against the same Fixed Need Pools in existence at the initial review. The Fixed Need Pools and other relevant planning information shall be used by the Agency to review the application against all applicable statutory review criteria contained in Section 408.035, F.S., and applicable rules, and policies. If an Agency need methodology does not exist for the proposed project:

1. The Agency will provide to the applicant, if one exists, any policy upon which to determine need for the proposed beds or program service. The applicant is not precluded from using other methodologies to compare and contrast with the

Agency policy.

2. If no Agency policy exists, the applicant will be responsible for demonstrating need through a needs assessment methodology which must include, at a minimum, consideration of the following topics, except where they are inconsistent with the applicable statutory or rule criteria:

- a. Population demographics and dynamics;
- b. Availability, utilization and quality of like services in the district, subdistrict or both;
- c. Medical treatment trends; and,
- d. Market conditions.

~~3. Regardless of need methodology, the existence of unmet need will not be based solely on the absence of a service, health care facility, or beds in the district or subdistrict.~~

(3) through (6) no change

Rulemaking Authority 408.034(3), (8), 408.15(8) FS. Law Implemented 408.033, 408.034, 408.035, 408.036, 408.037, 408.038, 408.039, 408.040, 408.042 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-9-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04, 9-28-05, 10-9-07, 4-21-10, 2-13-12, 8-15-13, 10-29-15, 10-17-19, 12-30-20,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James McLemore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Simone Marstiller

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 06, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 08/18/2021

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

PURPOSE AND EFFECT: House Bill 401 (2021), Senate Bill 286 (2021), and Senate Bill 804 (2021) made changes to statutory provisions which are included in the Florida Building Code. In order to reflect these changes, the Florida Building Commission must amend the Code. Additionally, House Bill 401 provides a mechanism for the Commission to issue errata to the Code to list demonstrated errors in its provisions. The Commission has identified a number of errors present in the Code, and intends to issue errata to clearly identify them, pursuant to the provisions of House Bill 401.

SUMMARY: he proposed amendment will incorporate changes to statutorily-derived building provisions, and issue errata for the Florida Building Code, 7th Edition (2020).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed changes are minor in nature and will have minimal effect on costs.

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: 553.73(1), 553.73(2), 553.73(7), 553.73(8), 553.76(1), 553.77(1), 553.901 FS.

LAW IMPLEMENTED: 553.72, 553.73(2), 553.73(3), 553.73(7), 553.73(8), 553.73(9), 553.901 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: Thomas Campbell, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, (850)717-1823.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G20-1.001 Florida Building Code Adopted.

(1) The Florida Building Code, 7th Edition (2020), as updated by the Florida Building Commission on August 10, 2021 ~~June 2, 2020~~, and incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(2) No change.

Rulemaking Authority 553.73(1), (7) FS. Law Implemented 399.031, 553.37(1), 553.72, 553.73 FS., Sections 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida, Sections 10, 11, 14, 17, 19, 23, 24, 25, 26, 32, 33, 34, 35, 36, 37, 39, Chapter 2016-129, Laws of Florida, Chapter 2016-211, Laws of Florida, History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 5-21-07, 10-1-08, 2-17-09, 10-1-09, Formerly 9B-3.047, Amended 11-10-11, Formerly 9N-1.001, Amended 4-25-13, 6-30-15, 12-21-16, 12-31-17, 12-31-20, .

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Building Commission.
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Florida Building Commission.
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD:
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: July 16, 2021.

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
 65A-1.603 Food Assistance Program Income and
 Expenses

PURPOSE AND EFFECT: The Department intends to amend rule 65A-1.603, F.A.C., to update the standard utility allowance, basic utility allowance, and telephone standard used to determine an assistance group's benefits.

SUMMARY: The amendments accomplish the following: 1) The standard and basic utility allowances are reduced; and 2) The telephone standard is increased.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 414.45, F.S.

LAW IMPLEMENTED: 414.31, 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: Jodi Abramowitz. Jodi can be reached at Jodi.Abramowitz@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.603 Food Assistance Program Income and Expenses.

(1) No change.
 (2) Standard Utility Allowance. A standard utility allowance (SUA) of ~~\$366~~ ~~\$370~~ must be used by AGs who incur, or within the eligibility period expect to incur, heating or cooling expenses separate and apart from their rent or mortgage and by AGs who receive direct or indirect assistance authorized under the Low-Income Home Energy Assistance Act of 1981. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(3) Basic Utility Allowance. A basic utility allowance (BUA) of ~~\$298~~ ~~\$293~~ must be used by AGs who do not incur heating or cooling expenses, but do incur utility expenses such as electricity, fuel, water, sewerage, or garbage pickup, separate and apart from their rent or mortgage. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(4) Telephone Standard. A telephone standard of ~~\$52~~ ~~\$48~~ must be used by AGs who incur only a telephone expense. Actual telephone expenses are not allowed. Any additional utility expenses, including the SUA or BUA, are not used.

(5) Homeless Shelter Deduction. A homeless shelter deduction of ~~\$160~~ ~~\$157~~ must be used by homeless AGs who do not receive free shelter throughout the month and incur or expect to incur shelter expenses unless higher expenses are claimed.

(6) No change.

(7) This rule will be reviewed and repealed, modified, or renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 414.45 FS. Law Implemented 414.31 FS. History—New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, 5-25-03, 8-22-05, 2-17-09, 12-13-09, 11-1-10, 12-25-11, 10-16-12, 8-11-13, 11-30-14, 1-31-16, 6-6-17, 4-4-18, 8-15-18, 12-3-19, 11-25-20. Amended_____

NAME OF PERSON ORIGINATING PROPOSED RULE:

Renita Robinson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shevaun L. Harris

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 12, 2021

Section III Notice of Changes, Corrections and Withdrawals

NONE

Section IV Emergency Rules

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER21-16 Application for Pigford/BFL MMTC Licensure
SPECIFIC REASONS FOR FINDING AN IMMEDIATE
DANGER TO THE PUBLIC HEALTH, SAFETY OR
WELFARE: Pursuant to Chapter 2021-37, § 15, Laws of
Florida, the Department is not required to make findings of an
immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS
FAIR UNDER THE CIRCUMSTANCES: The Department of
Health is directed by Chapter 2021-37, § 15, Laws of Florida,
to adopt emergency rules to implement section 381.986, Florida
Statutes.

SUMMARY: This emergency rule establishes the medical
marijuana treatment center application process for individuals
or entities applying for licensure as recognized class members
of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999) or *In re
Black Farmers Litigation*, 856 F. Supp. 2d 1 (D.D.C. 2011).

THE PERSON TO BE CONTACTED REGARDING THE
EMERGENCY RULE IS: Breanne Ereckson at
Breanne.Ereckson@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER21-16 Application for Pigford/BFL MMTC
Licensure.

(1) The following definitions apply to this emergency rule.

(a) “Pigford member” means a recognized class member of
Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999).

(b) “BFL member” means a recognized class member of
In re Black Farmers Litigation, 856 F. Supp. 2d 1 (D.D.C.
2011).

(c) “Pigford/BFL license” means the MMTC license
pursuant to section 381.986(8)(a)2.b., F.S.

(d) “Pigford/BFL batching cycle” means the grouping for
comparative review of all applications submitted for the one
available Pigford/BFL license.

(e) “Application window” means the 5-day period during
which the department will accept applications for the
Pigford/BFL license, including the date and time upon which

the department will begin accepting applications and the
deadline (including date and time) for submitting applications.

(2) Applications for the *Pigford/BFL* license will be
accepted in a single *Pigford/BFL* batching cycle. The
department will adopt a separate rule that establishes the
application window for the *Pigford/BFL* batching cycle.

(3) After the Department’s publication of the application
window for the *Pigford/BFL* batching cycle, a *Pigford* member
or *BFL* member that desires to apply for the *Pigford/BFL*
license must submit the following during the application
window:

(a) An application that complies with this rule and the
instructions and requirements contained in Form DH8035-
OMMU-10/2021, “Medical Marijuana Treatment Center
License Application Instructions, Requirements, and Forms for
Pigford/BFL Applicants,” incorporated by reference herein and
available at [https://knowthefactsmmj.com/rules-and-
regulations](https://knowthefactsmmj.com/rules-and-regulations); and

(b) A non-refundable application fee in the amount of
\$146,000.

(4) Applications for the *Pigford/BFL* license will be
evaluated and scored by evaluators as described in the “Medical
Marijuana Treatment Center License Application Instructions,
Requirements, and Forms for *Pigford/BFL* Applicants.” The
evaluators will be provided Form DH8036-OMMU-10/2021,
“Medical Marijuana Treatment Center Evaluator Instructions
Manual for *Pigford/BFL* Batching Cycle,” incorporated by
reference herein and available at
<https://knowthefactsmmj.com/rules-and-regulations>.

(5) All applications for the *Pigford/BFL* license that are
submitted during the application window will be part of the
Pigford/BFL batching cycle and will not be considered for any
other MMTC application batching cycle established by the
department.

(6) Nothing in this rule prohibits an applicant for the
Pigford/BFL license from also applying for any non-
Pigford/BFL MMTC license under a separate application rule.
However, the same individual or entity may not be awarded
more than one MMTC license.

Rulemaking Authority Art. X, § 29, Fla. Const., 381.986(8)(b),
381.986(8)(k), FS. Law Implemented Art. X, § 29, Fla. Const.,
381.986(8)(a), 381.986(8)(b), FS History—New 10-13-21.

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

EFFECTIVE DATE: October 13, 2021

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
 Criminal Justice Standards and Training Commission
 RULE NO.: RULE TITLE:
 11B-30.006 State Officer Certification Examination General Eligibility Requirements
 NOTICE IS HEREBY GIVEN that on October 12, 2021, the Department of Law Enforcement, received a petition for permanent waiver of paragraph 11B-30.006(2)(a) by Timothy Adams. Petitioner wishes to waive that portion of the rule that states: (2) The following individuals are eligible to take the State Officer Certification Examination (SOCE) for the requested criminal justice discipline: (a) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Basic Recruit Training Program, pursuant to Rule 11B-35.002, F.A.C.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489 Tallahassee, FL, 32302 or by telephone at (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Division of Hotels and Restaurants
 RULE NO.: RULE TITLE:
 61C-1.004 General Sanitation and Safety Requirements
 NOTICE IS HEREBY GIVEN that on October 13, 2021, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from WENDY'S INTERNATIONAL LLC located in Lutz. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and 3 compartment sink.
 The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Kasimira.Kelly@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Board of Accountancy
 RULE NO.: RULE TITLE:
 61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees
 NOTICE IS HEREBY GIVEN that on October 1, 2021, the Board of Accountancy, received a petition for variance or waiver filed by Frank Dorsey. Petitioner is requesting a variance or waiver of subsection 61H1-33.006(2), F.A.C., which requires that each application shall demonstrate successful completion of the required number of continuing professional education hours. Petitioner is seeking a one-time waiver of the requirements of this rule and to return his CPA license to a current and active status.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Roger Scarborough, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF HEALTH
 Board of Massage Therapy
 RULE NO.: RULE TITLE:
 64B7-28.009 Required Continuing Education for Massage Therapists
 NOTICE IS HEREBY GIVEN that on September 28, 2021, the Board of Massage Therapy, received a petition for variance and waiver filed by Rachael Dann. The Petitioner is seeking a variance or waiver of paragraph 64B7-28.009(4)(e), F.A.C., which requires that during each subsequent biennial renewal cycle, the licensee shall complete: twelve classroom hours, taught in an in-person setting, which must include hands-on instruction or demonstration, and must have stated learner objectives which are relevant to and focused on massage therapy techniques, skills, and protocols as defined in subsection 480.033(3), F.S. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, at the above listed address, (850)245-4162, or by electronic mail - kama.monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on September 28, 2021, the Board of Massage Therapy, received a petition for variance and waiver filed by Angela Raskin. The petition and/or requests variance from paragraph 64B7-25.001(1)(c) which requires Provides proof of graduation and paragraph 64B7-32.003(1)(c) which requires minimum requirements for Board approved massage schools. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

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

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

PLACE: <https://bit.ly/3lBoctM>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to address business issues and initiatives of the Florida Alligator Marketing and Education Committee, for the current and next fiscal year.

A copy of the agenda may be obtained by contacting: Paul Davis at Paul.Davis@FDACS.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: Paul Davis at Paul.Davis@FDACS.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 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: Paul Davis at Paul.Davis@FDACS.gov.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: November 3 – 4, 2021; all meeting times, ET (See Below)

November 3, 2021, 8:00 a.m. – 10:00 a.m., Training Center Directors Association Business Meeting

November 3, 2021, 10: 00 a.m. – 5:00 p.m., Probable Cause Determination Hearings

November 4, 2021, 8:30 a.m. – 10:00 a.m., Criminal Justice Standards & Training Commission Business Meeting

November 4, 2021, 10:00 a.m. – 5:00 p.m., CJST Commission Officer Discipline Hearings

PLACE: ALL SESSIONS WILL BE HELD at The Renaissance World Golf Village Resort, 500 South Legacy Trail, St. Augustine, Florida 32092; Front Desk Telephone: (904)940-8000.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, trust fund issues, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools.

A copy of the agenda may be obtained by contacting: Kim Rowell at (850)410-8662 or by e-mail at kimberlyrowell@fdle.state.fl.us. If you have questions about the Officer Discipline Agenda please contact Sissy Beggs at (850)410-8632 or by e-mail at sissybeggs@fdle.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: Kim Rowell at (850)410-8662 or by e-mail at kimberlyrowell@fdle.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).

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NO.: RULE TITLE:

15C-7.002 Motor Vehicle, Mobile Home and Recreational Vehicle Dealers' Records; Maintenance Requirements; Accessibility; Retention; Penalties

The Florida Department of Highway Safety and Motor Vehicles announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 5, 2021, 10:00 a.m. ET

PLACE: Teleconference (please contact for further details)

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 320.275, Florida Statutes, the Department of Highway Safety and Motor Vehicles is meeting with motor vehicle dealer industry representatives to discuss matters related to the motor vehicle dealer industry.

A copy of the agenda may be obtained by contacting: Luz Collins, 901 Northpoint Parkway Suites 115-116, West Palm Beach, FL 33407, (561)227-2235. luzcollins@flhsmv.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: Luz Collins at (561)227-2235. 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).

STATE BOARD OF ADMINISTRATION

The Florida Commission on Hurricane Loss Projection Methodology announces two public meetings to which all persons are invited.

DATES AND TIMES: Tuesday, October 26, 2021, 9:00 a.m. ET to conclusion of the meeting; Wednesday, October 27, 2021, 9:00 a.m. ET to conclusion of the meeting.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Boulevard, Tallahassee, Florida 32308. To attend these meetings virtually, register on the Commission website at www.sbafla.com/methodology. Persons wishing to participate by telephone may dial (562)247-8422 and enter conference code 480-733-067.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and adoption of the 2021 hurricane and flood standards, acceptability processes, Hurricane Standards Reports of Activities, and Flood Standards Reports of Activities. Other business of the Commission may also be considered.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P.O. Drawer 13300, Tallahassee, FL 32317-3300, donna.sirmons@sbafla.com, (850)413-1349.

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

FLORIDA COMMISSION ON OFFENDER REVIEW

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

DATES AND TIMES: Wednesday, November 3, 2021, 10:00 a.m.; Wednesday, November 24, 2021, 10:00 a.m.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Commission on Offender Review at ada@fcor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Okaloosa-Walton Transportation Planning Organization (TPO) and Committees announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 21, 2021, 3:00 p.m.

PLACE: Okaloosa County Administration Building, 1250 Eglin Pkwy N, Shalimar, FL 32579

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Okaloosa-Walton Transportation Planning Organization (TPO) will hold a public meeting at 3:00 p.m., Thurs., October 21, 2021, at Okaloosa County Administration Building located at 1250 Eglin Pkwy N, Shalimar, FL 32579. The Citizens' Advisory Committee (CAC) will meet at 9:30 a.m. and the Technical Coordinating Committee (TCC) will meet at 1:30 p.m.

The TPO and advisory committee meetings will be held in person at the above location. However, for the convenience of our community members, the meeting can be accessed online

via YouTube live stream or by phone. All in-person participants are encouraged to follow CDC COVID-19 guidelines and social distancing recommendations.

The TPO will consider:

1. Consideration of Resolution O-W 21-15 Consideration of Resolution O-W 21-15 Accepting the FDOT Fiscal Years 2023-2027 Tentative Work Program

Look at maps, read through the current list of transportation projects, and learn more about the Okaloosa-Walton TPO at <http://www.ecrc.org/OWTPO>.

A full agenda, when available, can be viewed at <http://www.ecrc.org/OWTPOMeetings>.

Join us on YouTube! www.ecrc.org/youtube

Dial-In to Comment Live! United States: (224)501-3412, Access Code: 145-136-445

A copy of the agenda may be obtained by contacting: Public Involvement at (850)332-7976 or publicinvolvement@ecrc.org. A copy of the full agenda may be found at <http://www.ecrc.org/OWTPOMeetings>.

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: Public Involvement at (850)332-7976 or publicinvolvement@ecrc.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: Public Involvement at (850)332-7976 or publicinvolvement@ecrc.org.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Commission for the Transportation Disadvantaged announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2021, 2:00 p.m. until completion ET

PLACE: Ocean Center Daytona - Room MO2AB, 101 N. Atlantic Avenue, Daytona Beach, FL 32118

The meeting is also available via Webinar/Teleconference: GoToMeeting Webinar:

<https://global.gotomeeting.com/join/351113549>

Call-In Number: 1(872)240-3412, Conference Code: 351-113-549

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission (CTD Business Meeting)

A copy of the agenda may be obtained by contacting: David Darm at (850)688-2953 or david.darm@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: David Darm at (850)688-2953 or david.darm@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David Darm at (850)688-2953 or david.darm@dot.state.fl.us.

DEPARTMENT OF ELDER AFFAIRS

Office of Public and Professional Guardians

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

DATE AND TIME: Thursday, November 18, 2021, 10:00 a.m. – 12:00 Noon

PLACE: Microsoft Teams Meeting

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

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjNkOTA2OGItY2EzMS00NGZiLTg4MzQtYzg4MGVmOWJhMTYx%40thread.v2/0?context=%7b%22Tid%22%3a%22f75a7744-d4bf-4623-8660-bcfa3569c2a0%22%2c%22Oid%22%3a%2201052d04-5ed4-4e32-aa6e-f12bc2e9a348%22%7

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors updates relative to the Florida for Indigent Guardianship Trust, Inc.

A copy of the agenda may be obtained by contacting: Charles Alkire, via email at charles.alkire@verizon.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: OPPG at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

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

DATE AND TIME: October 29, 2021, 9:30 a.m.

PLACE: Conference Call#: 1(888)585-9008, Conference Room #: 998-518-088

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be meeting to review applications received for consideration for the Gold Seal Award. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

The Board of Hearing Aid Specialists announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2022, 9:00 a.m. ET

PLACE: Please join my meeting from your computer or tablet using GoToMeeting at https://global.gotomeeting.com/join/324809797 or by phone (Toll Free) 1(877)309-2073 or (646)749-3129 using Access Code: 324-809-797

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at https://floridashearingaidspecialists.gov/meeting-information/.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Optometry

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

DATE AND TIME: November 15, 2021, 12:00 Noon

PLACE: 1(888)585-9008, 136-103-141 participant code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel.

A copy of the agenda may be obtained by contacting: https://floridasoptometry.gov/.

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotists and Prosthetists announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2022, 9:00 a.m. ET

PLACE: Please join my meeting from your computer, tablet or phone using GoToMeeting at https://global.gotomeeting.com/join/679270733 or by phone (Toll Free) 1(877)309-2073 or (646)749-3129 using Access Code: 679-270-733

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at https://floridasorthotistsprosthetists.gov/meeting-information/.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotists and Prosthetists announces a public meeting to which all persons are invited.

DATE AND TIME: May 6, 2022, 9:00 a.m. ET

PLACE: Please join my meeting from your computer, tablet or phone using GoToMeeting at <https://global.gotomeeting.com/join/825536197> or by phone (Toll Free) 1(866)899-4679 or (571)317-3116 using Access Code: 825-536-197

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridasorthotistsprosthetists.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotists and Prosthetists announces a public meeting to which all persons are invited.

DATE AND TIME: November 18, 2022, 9:00 a.m. ET

PLACE: Please join my meeting from your computer, tablet or phone using GoToMeeting at <https://global.gotomeeting.com/join/954846837> or by phone (Toll Free) 1(866)899-4679 or (571)317-3116 using Access Code: 954-846-837.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridasorthotistsprosthetists.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The Child Abuse Death Review Circuit 15 Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2021, 9:00 a.m. – 9:15 a.m.

PLACE: Microsoft Teams Meeting Link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzKxNTRmMDUtM2U3Yy00YTgwLWFmNTItZjFjODMyYTMMyNDkz%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%22ca176034-85e8-41db-a51e-cd3c5689b4f7%22%7d

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address administrative issues, review cases, and discuss the CADR Action Plan. A portion of the meeting is required by paragraph 383.412(3)(a), F.S. to be closed to the public to allow the Committee to discuss information that is confidential and exempt from public meetings and public records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: Merlene.Ramnon@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 7 days before the workshop/meeting by contacting: Merlene.Ramnon@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: Merlene.Ramnon@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Public Health Statistics and Performance Management

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

DATE AND TIME: October 22, 2021, 8:30 a.m. – 11:00 a.m. ET

PLACE: First District Court of Appeal, 2000 Drayton Drive, Room 1183, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to consider and select final priority health issues and topic areas for the 2022-2026 State Health Improvement Plan.

A copy of the agenda may be obtained by contacting: Bureau of Community Health Assessment at (850)245-4009 or HSP.HealthImprovementPlanning@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 7 days before the workshop/meeting by contacting: Bureau of Community Health Assessment at (850)245-4009 or HSP.HealthImprovementPlanning@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 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: Bureau of Community Health Assessment at (850)245-4009 or HSP.HealthImprovementPlanning@flhealth.gov.

DEPARTMENT OF CHILDREN AND FAMILIES

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

DATE AND TIME: October 21, 2021, 3:30 p.m. ET

PLACE: Virtual Meeting: Join video meeting through <https://global.gotomeeting.com/join/457269333> or by phone at 1(866)899-4679 (Toll Free) or (571)317-3116, Access Code: 457-269-333

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Proposal Opening is to open parcels or emails containing replies in response to the RFP. The Department encourages all prospective Vendors to participate in the Proposal Opening, during which Vendors will be given an opportunity to speak. DCF RFP 2021 025, Customer Authentication Services' solicitation advertisement can be

accessed on the Vendor Bid System (VBS), accessible at http://vbs.dms.state.fl.us/vbs/main_menu.

The Department will post notice of any changes or additional meetings within the VBS.

A copy of the agenda may be obtained by contacting: Ashley Davis at Ashley.Davis@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: Ashley Davis at Ashley.Davis@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: Ashley Davis at Ashley.Davis@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES

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

DATE AND TIME: November 10, 2021, 10:00 a.m. ET

PLACE: Virtual Meeting via computer, tablet or smartphone: <https://global.gotomeeting.com/join/276188373>; or by phone: United States (Toll Free): 1(866)899-4679, or United States: (571)317-3116, Access Code: 276-188-373

GENERAL SUBJECT MATTER TO BE CONSIDERED: Officer to validate the Department's appointed independent evaluator's scores and ensure they are properly recorded during the ranking process for the RFP. DCF RFP 2021 025, Customer Authentication Services' solicitation advertisement can be accessed on the Vendor Bid System (VBS), accessible at http://vbs.dms.state.fl.us/vbs/main_menu.

The Department will post notice of any changes or additional meetings within the VBS.

A copy of the agenda may be obtained by contacting: Ashley Davis at Ashley.Davis@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: Ashley Davis at Ashley.Davis@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: Ashley Davis at Ashley.Davis@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES

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

DATE AND TIME: October 22, 2021, 1:30 p.m. ET

PLACE: Virtual Meeting: Join video meeting through <https://global.gotomeeting.com/join/998628997> or by phone at 1(866)899-4679 (Toll Free) or (571)317-3116, Access Code: 998-628-997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Proposal Opening is to open parcels or emails containing replies in response to the RFP. The Department encourages all prospective Vendors to participate in the Proposal Opening, during which Vendors will be given an opportunity to speak. DCF RFP 2021 020, Asset Verification Services' solicitation advertisement can be accessed on the Vendor Bid System (VBS), accessible at http://vbs.dms.state.fl.us/vbs/main_menu.

The Department will post notice of any changes or additional meetings within the VBS.

A copy of the agenda may be obtained by contacting: Tammy Davis at Tammy.Davis1@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: Tammy Davis at Tammy.Davis1@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: Tammy Davis at Tammy.Davis1@myflfamilies.com.

DEPARTMENT OF FINANCIAL SERVICES

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

DATE AND TIME: Wednesday, October 27, 2021, 2:00 p.m. – 4:00 p.m. Eastern Time

PLACE: In-person option for ESC member attendance: Department of Children and Families, 2415 North Monroe Street, Room C100

Virtual, listen-only, option for public attendance. Virtual information is listed on the meeting agenda, located on the Florida PALM Project website: <https://www.myfloridacfo.com/floridapalm/governance/>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee will meet in-person to discuss the status of the Florida PALM Project. There will be an option for members of the public to attend virtually in listen-only mode. Any member of the public desiring to provide comment on the subject matter discussed during the

meeting may do so in writing via the virtual chat function or email FloridaPALM@myfloridacfo.com within 5 days after the meeting.

A copy of the agenda may be obtained by contacting: The Florida PALM Project website <https://www.myfloridacfo.com/floridapalm/governance/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jenifer Hartsfield at (850)410-9025 or FloridaPALM@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-10.002 Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund

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

DATE AND TIME: October 28, 2021, 11:00 a.m.

PLACE: Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/247860709> You can also dial in using your phone. United States: (312)757-3121, Access Code: 247-860-709

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed rulemaking will update forms used by various stakeholders, including providers, family members and representatives, and purchasers of preneed contracts to make claims for refunds from the Preneed Funeral Contract Consumer Protection Trust Fund.

A copy of the agenda may be obtained by contacting: Ellen Simon, Assistant Director, Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, (850)413-4985.

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: Ellen Simon, Assistant Director, Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, (850)413-4985. 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: Ellen Simon, Assistant Director, Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, (850)413-4985.

Walton County Health Department

The Walton County Health Dept. announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2021, 11:30 a.m.

PLACE: Walton County Health Dept.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Various Board Information

A copy of the agenda may be obtained by contacting: Tabatha Walters, (850)892-8015.

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: Tabatha Walters, (850)892-8015. 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: Tabatha Walters, (850)892-8015.

Council of Community College Presidents

The Florida College System Council of Presidents announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 21, 2021, 9:00 a.m.

PLACE: Zoom and in-person at Tallahassee Community College Center for Innovation 300 W. Pensacola Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Florida College System.

A copy of the agenda may be obtained by contacting: Rita Miller, rmiller@myafchome.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 1 days before the workshop/meeting by contacting: Rita Miller, rmiller@myafchome.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.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, October 7, 2021 and 3:00 p.m., Wednesday, October 13, 2021.

Rule No.	File Date	Effective Date
40B-1.703	10/13/2021	11/2/2021
40B-1.704	10/13/2021	11/2/2021
40B-1.706	10/13/2021	11/2/2021
40B-1.709	10/13/2021	11/2/2021
59A-35.040	10/12/2021	11/1/2021
61G19-6.017	10/12/2021	11/1/2021
61J2-1.011	10/12/2021	11/1/2021
61J2-2.030	10/12/2021	11/1/2021
61J2-10.026	10/12/2021	11/1/2021
61J2-24.006	10/13/2021	11/2/2021
62-204.800	10/8/2021	10/8/2021
62-620.100	10/8/2021	10/8/2021
64B5-14.0025	10/12/2021	11/1/2021
64B14-4.110	10/12/2021	11/1/2021
64B14-7.003	10/12/2021	11/1/2021
64ER21-16	10/13/2021	10/13/2021
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date

60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

AGENCY FOR HEALTH CARE ADMINISTRATION

Agency for Health Care Administration Annual Regulatory Plan - 2021-2022

Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION

Notice of Publication of Regulatory Plan

NOTICE IS HEREBY GIVEN that on October 14, 2021, the Agency for Health Care Administration published its 2021-2022 regulatory plan in accordance with Section 120.74, Florida Statutes. The regulatory plan is available on the Agency’s website at: https://ahca.myflorida.com/Executive/General_Counsel/Docs/AHCA_ARP_FY_2021_2022.pdf

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water State Revolving Fund

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

City of Longwood

The Florida Department of Environmental Protection (DEP) has determined that the project involving expansion of the City of Longwood’s wastewater collection system is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$10,800,000. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Catherine Murray, SRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850)245-2966 or emailing to catherine.m.murray@dep.state.fl.us.

DEPARTMENT OF HEALTH

Notice of Repeal of Constitutional Regulations

The Department of Health, Office of Medical Marijuana Use provides notice that the following Constitutional Regulations adopted pursuant to Article X, section 29 of the Florida Constitution have been repealed:

1-1.01 Medical Marijuana for Debilitating Medical Conditions, filed for adoption with the Department's Agency Clerk on July 3, 2017, and published in Vol. 43, No. 128, July 3, 2017 issue of the Florida Administrative Register;

1-1.02 Definitions, filed for adoption with the Department's Agency Clerk on November 1, 2017, and published in Vol. 43, No. 214, November 3, 2017 issue of the Florida Administrative Register;

2-1.01 Application for Registration of Medical Marijuana Treatment Centers, filed for adoption with the Department's Agency Clerk on November 1, 2017, and published in Vol. 43, No. 214, November 3, 2017 issue of the Florida Administrative Register; and

2-1.02 Disciplinary Guidelines and Fees, filed for adoption with the Department's Agency Clerk on November 17, 2017, and published in Vol. 43, No. 224, November 20, 2017 issue of the Florida Administrative Register.

The repeal of these Constitutional Regulations became effective on October 13, 2021 upon filing with the Department's Agency Clerk.

DEPARTMENT OF HEALTH

Notice of Adoption of Regulation 2021-01

The Department of Health, Office of Medical Marijuana Use provides notice that the following Regulation 2021-01 has been adopted pursuant to Article X, section 29 of the Florida Constitution. Regulation 2021-01 became effective on October 13, 2021 upon filing with the Department's Agency Clerk.

Regulation 2021-01

Implementation and Enforcement of Article X, section 29 of the Florida Constitution

(1) Background.

(a) Constitutional Authority. Article X, section 29 of the Florida Constitution authorizes the medical use of marijuana by a qualifying patient or caregiver where such use complies with the Constitution. Article X, section 29(d) of the Florida Constitution directs the Florida Department of Health (Department) to adopt regulations necessary for the implementation and enforcement of that section. The Department's regulations must ensure the availability and safe use of medical marijuana by qualifying patients. These regulations must include the following:

1. Procedures for the issuance and annual renewal of qualifying patient identification cards to people with physician

certifications and standards for renewal of such identification cards;

2. Procedures establishing qualifications and standards for caregivers, including conducting appropriate background checks, and procedures for the issuance and annual renewal of caregiver identification cards;

3. Procedures for the registration of medical marijuana treatment centers (MMTCs) that include procedures for the issuance, renewal, suspension and revocation of registration, and standards to ensure proper security, record keeping, testing, labeling, inspection, and safety; and

4. A regulation that defines the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence.

(b) Legislative Authority. In accordance with Article X, section 29(e) of the Florida Constitution, the Legislature has enacted laws to implement the medical use of marijuana by a qualifying patient or caregiver. See Chapter 2017-232, § 3, Laws of Florida, now codified as section 381.986, Florida Statutes. This law includes substantive standards governing the medical use of marijuana, including standards relating to qualified physicians and medical directors; the medical marijuana use registry; caregivers; qualifying patient identification cards; and the licensure and operation of MMTCs. The Legislature has directed the Department to adopt rules to implement the provisions of section 381.986, Florida Statutes, pursuant to the Administrative Procedure Act (APA) in Chapter 120, Florida Statutes.

(2) Applicability of the APA.

(a) Agency action taken pursuant to power derived from the Florida Constitution is not subject to the APA. See § 120.52(1), Fla. Stat. As a result, but for the provisions of this regulation, Department regulations promulgated pursuant to constitutional authority, and all discretionary actions, orders, or decisions of the Department taken pursuant to powers derived from the Florida Constitution, are not subject to the APA. Nevertheless, because of the dual authority granted to the Department, both by the Florida Constitution and the Legislature, the Department will comply with the procedures provided in the APA as provided herein.

(b) Regulations.

1. With the exception of this regulation, the Department will follow the rulemaking provisions of Chapter 120, Florida Statutes, Chapter 381, Florida Statutes, or other applicable Laws of Florida, when adopting regulations pursuant to its constitutional authority. The Department's regulations implementing Article X, section 29 of the Florida Constitution will be the Department's rules found in Chapter 64-4, Florida Administrative Code, and the Department's emergency rules governing medical marijuana.

2. With the exception of this regulation, the Department's regulations are subject to administrative challenge in accordance with the provisions of Chapter 120, Florida Statutes, for challenging agency rules. See § 120.56, Fla. Stat. However, nothing in this regulation shall be construed as limiting the Department's constitutional authority to adopt substantive policy implementing Article X, section 29 of the Florida Constitution, and nothing in this regulation shall be construed as conferring on the Division of Administrative Hearings ("DOAH") jurisdiction to construe the scope of the Department's constitutional authority under Article X, section 29 of the Florida Constitution. Accordingly, only a district court of appeal may adjudicate the constitutionality of the Department's regulation challenged under Chapter 120, Florida Statutes. See § 120.68, Fla. Stat.

(c) Decisions which affect substantial interests. With the exception of this regulation, all discretionary actions, orders, or decisions of the Department taken pursuant to powers derived from the Constitution and which affect substantial interests are subject to adjudication under Chapter 120, Florida Statutes. However, this regulation shall not be construed as conferring jurisdiction to the Division of Administrative Hearings ("DOAH") to construe the scope of the Department's constitutional authority under Article X, section 29 of the Florida Constitution. Accordingly, only a district court of appeal may adjudicate the constitutionality of the Department's discretionary actions, orders, or decisions challenged under Chapter 120, Florida Statutes. See § 120.68, Fla. Stat.

(d) This regulation is not subject to the APA. However, in accordance with Article X, section 29(d)(3) of the Florida Constitution, this regulation is subject to judicial challenge in the circuit court for Leon County, Florida. Nothing in this regulation shall be construed to limit the Department's authority to revise, amend, or repeal this regulation.

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.
