

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: **RULE TITLE:**
 2-4.001 Nicotine Dispensing Device Directory
PURPOSE AND EFFECT: The rule is being promulgated to implement new legislation.
SUBJECT AREA TO BE ADDRESSED: Creation of a Nicotine Dispensing Device Directory
RULEMAKING AUTHORITY: 569.311 FS.
LAW IMPLEMENTED: 569.311, 569.312 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: Nicholas Weilhammer, Associate Deputy Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, FL 32399-1050 or by email at Nicholas.Weilhammer@myfloridalegal.com; or Edward Tellechea, Chief Assistant Attorney General, PL-01 The Capitol, Tallahassee, FL 32399-1050 or by email at Ed.Tellechea@myfloridalegal.com.
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: **RULE TITLE:**
 69W-100.006 Projected Financial Statements or Presentations
PURPOSE AND EFFECT: The purpose and effect is to repeal an antiquated rule that is no longer necessary or utilized.
SUMMARY: The rule is proposed to be repealed because it is antiquated and no longer necessary or utilized.
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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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

RULEMAKING AUTHORITY: 517.03, FS.

LAW IMPLEMENTED: 120.051, 517.061, 517.081, 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: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-100.006 Projected Financial Statements or Presentations.

Rulemaking Authority 517.03 FS. Law Implemented 517.051, 517.061, 517.081 FS. History—New 12-5-79, Formerly 3E-100.06, 3E-100.006, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alisa G. Goldberg, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2024

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.: **RULE TITLES:**
 69W-200.001 Definitions
 69W-200.002 General Industry Standards Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect is to amend the existing rules to incorporate by reference the current versions of general industry standards, to implement Chapter 2024-168, Laws of Florida, to conform the definition of “development-stage company” to federal law, for clarity and consistency, to update cross-references, and to delete unnecessary definitions.

SUMMARY: The rules are amended to incorporate by reference the current versions of general industry standards, to

implement Chapter 2024-168, Laws of Florida, to conform the definition of “development-stage company” to federal law, for clarity and consistency, to update cross-references, and to delete unnecessary definitions for the terms “carrying dealer” and “introducing dealer.”

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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

RULEMAKING AUTHORITY: 517.03, 517.1215, 517.1217, FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.1215, 517.1217, 517.161, 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: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-200.001 Definitions.

As used in Chapter 517, F.S., and the rules promulgated thereunder, unless the context otherwise specifically requires:

(1) through (3) No change.

(4) “Applicant” means shall mean a person executing or submitting an application for registration under Chapter 517, F.S.

(5)(a) “Associated person” as defined in 517.021(4) 517.021(3), F.S., shall include any person who for compensation refers for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Office of Financial Regulation as an associated person pursuant to Section 517.12(1) or (3), F.S.

(b) No change.

(6) “Bona Fide Employee” includes an employee, is deemed to be a partner, officer, director, manager, managing member, or trustee representing of the issuer in the purchase, sale, or distribution of the issuer’s own securities if such employee, partner, officer, director, manager, managing member, or trustee, or any employee of such partner, officer, director or trustee, who has not participated in the distribution or sale of any securities within the preceding twelve (12) months and, and who primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of the issuer, other than in connection with transactions in securities.

(7)(a) Except as otherwise provided in this subsection, the term “Branch Office” means shall mean any location in this state of a dealer or investment adviser at which one or more associated persons regularly conduct the business of rendering investment advice or effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security or any location that is held out as such. Pursuant to Section 517.021(6) 517.021(5), F.S., the Financial Services Commission may adopt exceptions to this definition. The following locations shall not be deemed branch offices for purposes of Section 517.12(4), F.S., and are considered exceptions to the definition of a branch office under Section 517.021(6) 517.021(5), F.S.:

1. through 2. No change.

3. Any location, other than a primary residence, that is used for securities business for less than 30 business days in any one calendar year, provided the registrant complies with the provisions of this rule in sub-subparagraphs (7)(a)2.a. (8)(a)2.a. through i., above;

4. through 7. No change.

8. The principal office and place of business of an investment adviser registered with the Office of Financial Regulation pursuant to Section 517.12(3) 517.12(4), F.S.

9. No change.

(b) Notwithstanding the exclusions provided in subparagraph (7)(a)2. (8)(a)2., above, any location of a dealer that is responsible for supervising the activities of persons associated with the registrant at one or more non-branch locations of the registrant is considered to be a branch office.

(c) The term “business day” as used in subparagraph (7)(a)3. (8)(a)3., above, shall not include any partial business day provided that the associated person spends at least four hours on such business day at his or her designated branch office during the hours that such office is normally open for business.

(8) “Carrying Dealer” means any dealer maintaining a fully/principally disclosed agreement/arrangement with an introducing dealer, whereby the carrying dealer is responsible

~~for customer monies and securities, and confirms transactions to the customer accounts introduced; such dealer who carries accounts for Florida residents must be registered pursuant to the provisions of Section 517.12, F.S.~~

~~(9) “Development-Stage Company Developmental Stage Entities” means a company shall be defined as those entities which devotes are devoting substantially all of its efforts to establishing a new business and for which either of the following conditions exist exists:~~

~~(a) Planned principal operations have not commenced.; or~~

~~(b) Planned principal operations have commenced, but there has been no significant revenue therefrom whose annual net earnings for each of the last two (2) consecutive fiscal years or whose average annual net earnings for the last five (5) fiscal years prior to the public offering have been less than five percent (5%) of the aggregate public offering.~~

~~(9) (40) “Dilution” for purposes of Rules 69W-700.008 and 69W-700.015, F.A.C., shall be determined by subtracting the maximum sales commissions and expenses set forth in the prospectus from the gross proceeds of the offering and adding the net worth prior to the offering. Divide this sum by the total number of shares to be outstanding at the conclusion of the offering to determine book value. Subtract the book value from the proposed offering price and divide the result by the proposed offering price to arrive at the percentage of dilution. For the purpose of calculating “dilution” or “book value,” intangible assets such as patents, copyrights, franchises, trademarks, operating rights and goodwill are deducted from total assets.~~

Dilution Formula:

NP	=	Gross Proceeds minus Maximum Sales Commissions and Expenses
NW	=	Net Worth prior to the offering
TS	=	Total Number of shares to be outstanding after a successful offering
BV	=	Book Value
OP	=	Offering Price

Example:

NP + NW

= BV

TS

OP – BV

= Dilution

OP

~~(10) (44) “Independent Director” shall be defined as a member of the issuer’s board of directors who:~~

~~(a) No change,~~

~~(b) Is not a promoter as defined in Section 517.021(22)(b) 517.021(20)(b), F.S.; and,~~

~~(c) No change.~~

~~(12) “Introducing Dealer” means any dealer maintaining a formal agreement/arrangement with another dealer whereby the introducing dealer does not carry (i.e., holds funds or securities, or confirms transactions) customer accounts; such dealer who introduces Florida resident accounts must be registered pursuant to Section 517.12, F.S.~~

~~(11) (43) “Issuer” for purposes of Rules 69W-400.001, 69W-500.005, 69W-500.006 and 69W-500.008, F.A.C., shall not include a promoter of the issuer.~~

~~(12) (44) “Principal Office” or “Home Office” means shall mean the place where the chief or principal affairs and business of the applicant or registrant are transacted.~~

~~(13) (45) “Promoter” shall not include a person with respect to an issuer which is duly qualified to transact business under the laws of the jurisdiction in which it is organized and which has actively been engaged in business for a continuous period of one year.~~

~~(14) (46) “Qualified Institutional Buyer” for purposes of Section 517.061(7), F.S., shall be defined as provided in Securities and Exchange Commission rule 144A(a) (17 C.F.R. §230.144A(a)), which is incorporated by reference in Rule 69W-200.002, F.A.C.~~

~~(15) (47) “Registrant” means shall mean an applicant for whom a registration has been declared effective by the Office of Financial Regulation.~~

~~(16) (48) “Reportable Act” means shall mean:~~

~~(a) through (d) No change.~~

~~(17) (49) “Securities Act of 1933,” 15 U.S.C. §§77a through 77mm, “Securities Exchange Act of 1934,” 15 U.S.C. §§78a through 78oo, “Investment Company Act of 1940,” 15 U.S.C. §§80a-1 through 80a-64, “Investment Advisers Act of 1940,” 15 U.S.C. §§80b-1 through 80b-21, and “Internal Revenue Code,” 26 U.S.C. Subtitles A through K, mean means the federal statutes of those names.~~

~~Rulemaking Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended 5-15-07, 9-30-10, 11-11-13, 9-22-14, 11-15-16, 1-18-21, 2-14-23, 3-21-24,_____.~~

69W-200.002 General Industry Standards Incorporated by Reference.

The following general industry standards as expressed in the statutes, rules and regulations of the various federal and self-regulatory agencies and regulatory associations and referenced in Division 69W, F.A.C., are hereby incorporated by reference and adopted by this rule. The material incorporated by reference in this rule may also be obtained from the Florida Office of Financial Regulation (Office), Division of Securities’ website at <https://flofr.gov/sitePages/MaterialsDS.htm>, except where

noted for copyright restrictions. Materials subject to copyright restrictions may be inspected and examined by contacting the Florida Office of Financial Regulation, Division of Securities, at 200 E. Gaines Street, Tallahassee, Florida 32399, (850) 487-9687 or the Florida Department of State at 500 S. Bronough Street, Tallahassee, Florida 32399, (850) 245-6500.

(1) through (13) No change.

(14) SEC Rules 134, 134a, 135a, 144, 156, 419, 481 and 482, (17 C.F.R. §§230.134, 230.134a, 230.135a, 230.144, 230.156, 230.419, 230.481 and 230.482) (~~4-1-23~~ ~~4-1-22~~ edition as amended in 87 FR 72846-72847 (Nov. 25, 2022) and 88 FR 17710 (Mar. 24, 2023)), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16481>.

(15) through (22) No change.

(23) SEC Rules 10b-1, 10b-3, 10b-5, 10b5-1, 10b5-2, 10b-9, 10b-10, 10b-16, 10b-17, 10b-18, and 10b-21 (17 C.F.R. §§240.10b-1, 240.10b-3, 240.10b-5, 240.10b5-1, 240.10b5-2, 240.10b-9, 240.10b-10, 240.10b-16, 240.10b-17, 240.10b-18, and 240.10b-21) (~~4-1-23~~ ~~4-1-14~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04538>.

(24) through (27) No change.

(28) SEC Rule 15c3-3 and Exhibit A (17 C.F.R. §§240.15c3-3 and 240.15c3-3a) (~~4-1-23~~ ~~4-1-21~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-15091>.

(29) through (34) No change.

(35) Regulation M (17 C.F.R. §§242.100 through 242.105) (~~4-1-23~~ ~~4-1-22~~ edition as amended in 88 F.R. 39994 (June 20, 2023)), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16484>.

(36) through (38) No change.

(39) SEC Rules 204-1, 204-2, 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1 (17 C.F.R. §§275.204-1; 275.204-2; 275.204-3; 275.205-1; 275.205-2; 275.205-3; 275.206(3)-1; 275.206(3)-2; 275.206(4)-1) (~~4-1-23~~ ~~4-1-21~~ edition as amended in 86 FR 13024, 13138-13142 (Mar. 5, 2021) and 87 F.R. 22444, 22447 (April 15, 2022)), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-15095>.

(40) No change.

(41) FINRA Rules 1020 and 1240 (existing as of ~~5-7-24~~ ~~7-5-23~~), accessible at

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

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16486>.

(42) FINRA Rule 2000 Series (2010 through 2370) (existing as of ~~5-7-24~~ ~~7-5-23~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16489>.

(43) FINRA Rule 3000 Series (3110 through 3310) (existing as of ~~5-7-24~~ ~~7-5-23~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16490>.

(44) FINRA Rule 4000 Series (4110 through 4590) (existing as of ~~5-7-24~~ ~~7-5-23~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16491>.

(45) FINRA Rule 5000 Series (5110 through 5350) (existing as of ~~5-7-24~~ ~~7-5-23~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16493>.

(46) FINRA Rule 6000 Series (6110 through 6898) (existing as of ~~5-7-24~~ ~~7-5-23~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16494>.

(47) FINRA Rule 7000 Series (7110 through 7730) (existing as of ~~5-7-24~~ ~~7-5-23~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16495>.

(48) FINRA Rule 11000 Series (11100 through 11900) (existing as of ~~5-8-24~~ ~~7-5-23~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16496>.

(49) MSRB Definitional Rules D-1 to D-15, and General Rules G-1 to G-48 (existing as of ~~10-1-23~~ ~~10-1-22~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-16497>.

(50) through (53) No change.

Rulemaking Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.081, 517.12(4), 517.1215, 517.1217, 517.161(1) FS. History—New 9-22-14, Amended 5-6-15, 11-26-19, 1-18-21, 2-14-23, 3-21-24, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alisa G. Goldberg, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2024
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 20, 2024

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: RULE TITLE:
 69W-302.001 Application for Payment from Securities Guaranty Fund

PURPOSE AND EFFECT: The purpose and effect is to create a new rule to implement Chapter 2024-168, Laws of Florida.

SUMMARY: The rule is created to implement Chapter 2024-168, Laws of Florida, by incorporating by reference Form OFR-SGFund, Application for Payment from the Securities Guaranty Fund (10/24) and Form OFR-SGFund-A, assignment of Right, Title and Interest in Judgment in Connection with Recovery from Securities Guaranty Fund (10/24).

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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

RULEMAKING AUTHORITY: 517.131(7), FS.

LAW IMPLEMENTED: 517.131, 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: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

Rule 69W-302.001 Application for Payment from Securities Guaranty Fund

(1) An eligible person, or a receiver on behalf of an eligible person, seeking payment from the Securities Guaranty Fund shall file with the Office a written application by submitting Form OFR-SGFund, Application for Payment from the Securities Guaranty Fund (10/24), electronically on the Office of Financial Regulation (Office) website at <https://real.flofr.gov> through the Regulatory Enforcement and Licensing (REAL) System. An application filed through the REAL System shall be deemed received on the date the Office issues to the applicant a confirmation of submission. The application shall include all information required by such form, as required by Section 517.131, F.S. The application shall include:

(a) Form OFR-SGFund, Application for Payment from the Securities Guaranty Fund (10/24), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or from the Office at <https://flofr.gov/XXXXX>;

(b) The following documents, where applicable:

1. A copy, as amended, of its articles of incorporation, articles of organization, trust agreement, or partnership agreement;

2. A copy of any final judgment giving rise to the applicant's eligibility under Section 517.131(3)(a), F.S.; and

3. A copy of any restitution order pursuant to Section 517.191(3)(b), F.S., giving rise to the receiver's eligibility under Section 517.131(3)(b), F.S.

(2) Failure to complete an application under subsection (1) within sixty (60) days shall result in the application being abandoned, which shall result in the application being removed from further consideration by the Office and closed.

(3) Upon receipt by the eligible person or receiver of notice of the Office's decision that the eligible person's or receiver's application for payment from the Securities Guaranty Fund is approved, and before any disbursement, the eligible person or receiver shall assign to the Office all right, title, and interest in the final judgment or order of restitution equal to the amount of such payment by filing Form OFR-SGFund-A, Assignment of Right, Title and Interest in Judgment in Connection with Recovery from Securities Guaranty Fund, (10/24) electronically on the Office of Financial Regulation (Office) website at <https://real.flofr.gov> through the Regulatory Enforcement and Licensing (REAL) System. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and from the Office at <https://flofr.gov/XXXXX>.

Rulemaking Authority 517.131(7), FS. Law Implemented 517.131 FS. History—New.

~~(2) Offers or sales made pursuant to Section 517.061(11), F.S., shall not be integrated with offers or sales made by the issuer or on the issuer's behalf pursuant to a subsequent offering under Section 517.081, F.S., or sold pursuant to a registration statement effective under the Securities Act of 1933, provided the issuer has terminated all offers or sales made pursuant to Section 517.061(11), F.S., prior to the submission of the application for registration. Offers or sales made pursuant to Section 517.061(11), F.S., following an offering registered under Section 517.081, F.S., may or may not be integrated with such an offering registered under Section 517.081, F.S., or sold pursuant to a registration statement effective under the Securities Act of 1933, depending upon the facts and circumstances in each case.~~

~~(3) Securities registered with another jurisdiction may be sold in Florida pursuant to Section 517.061(10) 517.061(11), F.S., provided all requirements of Section 517.061(10) 517.061(11), F.S., and rules thereunder are complied with.~~

~~(2) The following purchasers shall be excluded in computing the number of purchasers for purposes of Section 517.061(10), F.S.:~~

~~(a) The issuer, including any promoter of that issuer;~~

~~(b) Any general partner of a limited partnership, regardless of the types of interest in the limited partnership purchased or held by the general partner;~~

~~(c) Any purchaser with whom the transaction was consummated outside the State of Florida.~~

~~(3) An issuer of securities who elects to offer or sell its own securities pursuant to Section 517.061(10), F.S., may register as a dealer pursuant to Section 517.12(1), F.S. The issuer shall comply with the rules of the Financial Services Commission for registration as a dealer as set forth under Rule 69W-600.001, F.A.C., in addition to the following requirements:~~

~~(a) The financial statements required for registration as a dealer must be prepared in accordance with the provisions of Rule 69W-600.0151(4), F.A.C.~~

~~(b) Since the securities will not be registered, a copy of the disclosure document for each offering must be submitted although no determination will be made as to the merits of the securities.~~

~~(c) The outside front page of the disclosure document shall bear the following in bold face type: "THE SECURITIES BEING OFFERED HAVE NOT BEEN REGISTERED WITH THE OFFICE OF FINANCIAL REGULATION. THE FIRM IS REGISTERED AS A DEALER TO SELL ITS OWN SECURITIES."~~

~~Rulemaking Authority 517.03 FS. Law Implemented 517.061(10) 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.01, Amended 7-31-91, Formerly 3E-500.001, Amended _____.~~

69W-500.004 Computation of Number of Purchasers for Purposes of Section 517.061(11), F.S.

~~Rulemaking Authority 517.03 FS. Law Implemented 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.04, Amended 7-31-91, Formerly 3E-500.004, Amended 5-15-07, 10-29-12, Repealed _____.~~

69W-500.005 Disclosure Requirements of Section 517.061(10)(a)3, 517.061(11)(a)3, F.S.

~~(1) Transactions by an issuer which do not satisfy all of the conditions of this rule shall not raise any presumption that the exemption exemptions provided by Section 517.061(10) 517.061(11), F.S., is not available for such transactions. Attempted compliance with this rule does not act as an election; the issuer can also claim the availability of Section 517.061(10) 517.061(11), F.S., outside this rule.~~

~~(2) The determination as to whether sales of securities are part of a larger offering (i.e., are deemed to be "integrated") depends on the particular facts and circumstances. In determining whether sales should be regarded as part of a larger offering and thus should be integrated, the facts described in Rule 69W-500.001, F.A.C., should be considered.~~

~~(3) Although sales made pursuant to Section 517.061(11), F.S., and in compliance with this rule, are exempt from the registration provisions of this Act, such exemption does not avoid the anti fraud provisions of Sections 517.301 and 517.311, F.S.~~

~~(2) (4) The provisions of this rule shall apply only to transactions which are consummated with persons in the State of Florida.~~

~~(3) (5) The requirement of Section 517.061(10)(a)3, 517.061(11)(a)3, F.S., that each purchaser, or his representative be provided with or given reasonable access to full and fair disclosure of all material information shall be deemed to be satisfied if either paragraph (3)(a) (5)(a) or (b), are complied with:~~

~~(a) Access to or Furnishing of Information. Reasonable access to, or the furnishing of, material information shall be deemed to have been satisfied if prior to the sale a purchaser is given access to the following information:~~

~~1. through 2. No change.~~

~~3. An opportunity to question the appropriate executive officers, or partners, managers, or managing members.~~

~~(b) Disclosure Document Offering Circular. At the election of the issuer a disclosure document an offering circular containing the following information may be provided to a purchaser prior to the sale:~~

~~1. through 26. No change.~~

~~27. A statement indicating that the sale shall be voidable by the purchaser within three days of the sale pursuant to Section 517.061(10)(a)4, as required by Section~~

~~517.061(11)(a)5~~, F.S., and the business e-mail address where a purchaser may notify the issuer that a purchaser voids a sale;

28. No change.

~~(4) (6)~~ In the case of an issuer that is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, (15 U.S.C. §78m, 78o(d)), the provisions of paragraph ~~(3)(b) (5)(b)~~ of this rule, shall be deemed satisfied by providing the following:

(a) through (b) No change.

~~(5) (7)~~ For purposes of this rule ~~Rule 69W-500.005, F.A.C.~~, the term “Issuer” is defined in Rule 69W-200.001, F.A.C.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.061(10) 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.05, Amended 10-14-90, 7-31-91, Formerly 3E-500.005, Amended 9-22-14,_____.

69W-500.006 Commissions and Compensation Payable in Connection with an Offering Exempted Pursuant to Section 517.061(10) 517.061(11), F.S.

~~(1) Commissions and compensation may be paid for the sale of an issuer’s securities to any person who:~~

~~(a) Is registered as a dealer in the State of Florida pursuant to Section 517.12, F.S.~~

~~(b) Is not located in this State and sells to a person not in this State.~~

~~(2) Fees paid to attorneys and accountants and other professionals for professional services rendered in connection with the issuance of securities pursuant to Section 517.061(10), F.S., shall not be deemed to constitute compensation for purposes of Section 517.021(10)(b)7.d. 517.061(11)(a)4., F.S.; however, if fees or compensation are paid for the sale of securities this shall be deemed to constitute compensation for purposes of Section 517.021(10)(b)7.d. 517.061(11)(a)4., F.S., and would require registration of the professional under Section 517.12, F.S.~~

NOTE: The Office of Financial Regulation is deeply concerned about the payment of fees to persons who are acting as dealers but are not registered as such when securities are offered and sold pursuant to Florida’s private placement section. The practice of disguising or characterizing these fees as something other than a sales commission not only defeats the availability of the exemption, but also produces an enormous contingent liability for the issuer. Because of these ramifications, an issuer availing itself of the private placement section should be cautious about any fees that are paid to persons who may subsequently be deemed dealers, including such professionals as attorneys, accountants, and offeree representatives.

Rulemaking Authority 517.03 FS. Law Implemented 517.061(10), 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.06, Amended 7-31-91, Formerly 3E-500.006, Amended 3-21-24,_____.

69W-500.007 General Solicitation or General Advertising in Connection with an Offering Exempted Under Section 517.061(10) 517.061(11), F.S.

(1) For purposes of Section 517.061(10)(a)2. ~~517.061(11)(a)2.~~, F.S., the requirement that there be no general solicitation or general advertising in connection with an offering exempted under Section 517.061(10) 517.061(11), F.S., shall be deemed to relate only to offers made in Florida in reliance upon Section 517.061(10) 517.061(11), F.S. General solicitation or general advertising may be made in connection with offers made outside of the State of Florida in reliance upon Section 517.061(10) 517.061(11), F.S., where permitted.

(2) Unless deemed not to constitute general solicitation or general advertising pursuant to Section 517.0615. ~~For purposes of Section 517.061(11)(a)2.~~, F.S., general solicitation or general advertising, shall ~~be deemed to~~ include, but not be limited to, for purposes of Section 517.061(10)(a)2., F.S., the following:

(a) through (b) No change.

(3) No change.

Rulemaking Authority 517.03 FS. Law Implemented 517.061(10) 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.07, Amended 7-31-91, Formerly 3E-500.007, Amended 10-29-12,_____.

69W-500.008 Unsolicited Purchase or Sale of Securities Pursuant to Section 517.061(14) 517.061(13), F.S.

(1) For purposes of Section 517.061(14) 517.061(13), F.S., the offer or sale of securities in a transaction meeting the requirements of SEC Rule 144 (17 C.F.R. §230.144), which is incorporated by reference in Rule 69W-200.002, F.A.C., shall be deemed an unsolicited purchase or sale of securities on order of and as agent for another.

(2) For purposes of Section 517.061(14) 517.061(13), a promoter or affiliate of an issuer shall not be deemed an underwriter of or an issuer of, or to be engaged in a sale directly or indirectly for the benefit of an issuer with respect to, any securities he has owned beneficially for at least one (1) year.

(3) For purposes of this rule ~~Rule 69W-500.008, F.A.C.~~, the term “Issuer” is defined in Rule 69W-200.001, F.A.C.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.061(14) 517.061(13) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.08, Amended 10-14-90, Formerly 3E-500.008, Amended 9-30-10, 9-22-14,_____.

69W-500.011 Registration of Issuer Under Section 517.061(11), F.S., as Dealer.

Rulemaking Authority 517.03 FS. Law Implemented 517.061(11), 517.12(1) FS. History—New 9-20-82, Formerly 3E-500.11, Amended 7-31-91, Formerly 3E-500.011, Amended 5-6-15, 11-15-16, 3-21-24, Repealed_____.

69W-500.013 Exemption/Mobile Home Parks/Limited Purpose Stock Offering.

Transactions which involve the offer or sale of stock, bonds, or other instruments deemed to be securities as defined in Section 517.021(25) ~~517.021(23)~~, F.S., offered or sold by or on behalf of a non-profit organization ~~corporation~~ consisting solely of property owners of a singular mobile home park, where the securities evidence interest in the organization ~~shares of the corporation~~, are hereby exempted from the registration requirements of Section 517.07, F.S., provided that such securities meet and comply with all of the following criteria:

(1) No change.

(2) That the solicitation and subsequent sale of securities is made exclusively by the non-profit organization ~~corporation~~ to persons retaining a property interest in the mobile home park and no form of general solicitation or general advertisement is instituted.

(3) through (4) No change.

Rulemaking Authority 517.03 FS. Law Implemented 517.061(21) 517.061(19) FS. History–New 1-8-86, Amended 7-31-91, Formerly 3E-500.013, Amended 9-30-10, 10-29-12, _____.

69W-500.014 Court Approved Transactions.

Rulemaking Authority 517.03(1), 517.061(18) FS. Law Implemented 517.061(19) FS. History–New 3-29-92, Formerly 3E-500.014, Repealed _____.

69W-500.017 Compensatory Benefit Plan Exemption.

Rulemaking Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History–New 11-25-01, Formerly 3E-500.017, Amended 9-30-10, 9-22-14, Repealed _____.

69W-500.019 Accredited Investor Exemption

(1) Issuers conducting an offering pursuant to Section 517.061(11), F.S., shall file a notice of transaction, a consent to service of process, and a copy of the general announcement, electronically on the Office of Financial Regulation’s website at <https://real.flofr.gov> through the Regulatory Enforcement and Licensing (REAL) System within fifteen (15) days after the first sale is made in this state.

(2) A notice of transaction providing the following information will be deemed to satisfy the requirements of subsection (1):

(a) A statement that the issuer is conducting an offering pursuant to Section 517.061(11), F.S.;

(b) The business name of the issuer;

(c) The issuer’s state of incorporation or organization;

(d) The business address of the issuer;

(e) The date of the first sale made in this state; and

(f) Name, phone number, and email address for the person to be contacted about the filing.

(3) A consent to service of civil process, similar to that provided for in Section 517.101, F.S., will be deemed to satisfy the requirements of subsection (1).

Rulemaking Authority 517.03(1), 517.061(11) FS. Law Implemented 516.061(11) FS. History–New _____.

69W-500.020 Florida Invest Local Exemption.

(1) An issuer of securities under the Florida Invest Local Exemption, Section 517.0612, F.S., shall file electronically on the Office of Financial Regulation’s website at <https://real.flofr.gov> through the Regulatory Enforcement and Licensing System (REAL) System no less than five (5) business days before the offering commences, the following:

(a) Notice of Offering Under Florida Invest Local Exemption, Form OFR-FILE (10/24). A sample form is hereby incorporated by reference and available at XXXXX or from the Office at XXXXX.

(b) A copy of the issuer’s disclosure statement required by Section 517.0612(8), F.S.

(2) Amendment. If the information contained in the Form OFR-FILE or the disclosure statement becomes inaccurate for any reason, the issuer shall amend the information by filing an amended Form OFR-FILE or disclosure statement with the Office within three (3) business days of the change. Issuers shall amend information by filing an amended Form OFR-FILE or disclosure statement electronically with the Office through the REAL System. Failure to file amendments shall be considered a violation of Section 517.0612(10), F.S.

Rulemaking Authority 517.03(1), 517.0612(10) FS. Law Implemented 516.0612(10), FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alisa G. Goldberg, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 12, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: June 20, 2024

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.:	RULE TITLES:
69W-600.0016	Application for Registration as an Investment Adviser (State Registered)
69W-600.0018	Notice-Filing and Requirements for Florida Intrastate Crowdfunding Issuers
69W-600.0019	Registration of Florida Intrastate Crowdfunding Intermediaries
69W-600.002	Application for Registration as Associated Person (FINRA Dealer)
69W-600.0022	Application for Registration as an Associated Person (Non-FINRA Dealer)
69W-600.0024	Application for Registration as an Associated Person (Investment Adviser and Federal Covered Advisor)
69W-600.0131	Prohibited Business Practices for Investment Advisers and Their Associated Persons

PURPOSE AND EFFECT: The purpose and effect is to implement Chapter 2023-205, Laws of Florida, and Chapter 2024-168, Laws of Florida, amend the professional designations which satisfy the examination requirements pertaining to examination requirements for associated persons of investment advisers and federal covered advisers, to permit an associated person of an investment adviser to borrow money or securities or lend money or securities to a client under certain limited circumstances and with prior written notice to the investment adviser or federal covered adviser, and to update cross-references.

SUMMARY: The rules are amended to implement Chapter 2023-205, Laws of Florida, by amending Form OFR-MIL-001, Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, and Chapter 2024-168, Laws of Florida, which made changes to the Florida Limited Offering Exemption (formerly Florida Intrastate Crowdfunding), to amend the professional designations which satisfy the examination requirements pertaining to examination requirements for associated persons of investment advisers and federal covered advisers, to permit an associated person of an investment adviser to borrow money or securities or lend money or securities to a client under certain limited circumstances and with prior written notice to the investment adviser or federal covered adviser, and to update cross-references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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

RULEMAKING AUTHORITY: 517.03, 517.0611, 517.12, 517.121, 517.1215, 517.1611, FS.

LAW IMPLEMENTED: 517.0611, 517.12, 517.161, 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: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.0016 Application for Registration as an Investment Adviser (State Registered).

- (1) through (5) No change.
- (6) Examinations/Qualifications Requirements.
- (a) through (e) No change.
- (f) The examination requirement for an associated person

of an investment adviser designated as principal shall not apply to a principal who currently holds one of the following professional designations:

1. Certified Financial Planner (TM) or (CFP®) awarded by the Certified Financial Planner Board of Standards, Inc.;
2. Chartered Financial Consultant (ChFC) awarded by the American College of Financial Services, Bryn Mawr, PA;
3. No change.
4. Chartered Financial Analyst (CFA) awarded by the CFA Institute of Chartered Financial Analysts; or
5. Certified Investment Management Analyst (CIMA) awarded by the Investment & Wealth Institute Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

- (7) through (12) No change.
- Rulemaking Authority 517.03(1), 517.12, 517.121(1) FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 11-26-19, 1-18-21, 2-14-23, 3-21-24,_____.*

69W-600.0018 Notice-Filing and Requirements for Florida Limited Offering Exemption Intrastate Crowdfunding Issuers.

(1) Notice-filing.

(a) An issuer of securities under the Florida ~~Limited Offering Intrastate Crowdfunding~~ Exemption, Section 517.0611, F.S., shall file the Notice of ~~Florida Limited Offering Exemption Crowdfunding Issuer Offering~~ (Form ~~FLO FL CI~~) electronically on the Office of Financial Regulation's ~~(Office)'s~~ website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL) System. The notice-filing shall include all information required by such form and payment of the statutory fees required by Section 517.0611(5), F.S. The notice-filing shall be deemed received on the date the Office issues a confirmation of submission and payment to the issuer via the Office's website.

(b) A notice-filing shall include the following:

1. ~~Notice of Florida Limited Offering Pursuant to Section 517.0611, Florida Statutes, Form FLO, effective 10/2024 Form FL CI (10/15).~~ A sample form ~~(which includes its instructions, which define certain terms in Section 517.0611, F.S.)~~ is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-06073~~ or from the Office at <https://flofr.gov/XXXXX> ~~https://flofr.gov/sitePages/documents/FormFL CI.pdf.~~

2. Documentation required to be uploaded in PDF form to the REAL System as part of the notice filing, including:

a. ~~Verification of the issuer's organization under the laws of Florida, pursuant to Section 517.0611(5)(g), F.S.;~~

b. ~~A copy of the issuer's escrow agreement with a financial institution, pursuant to Section 517.0611(8), F.S.; and,~~

e. A copy of the issuer's disclosure statement, pursuant to Section ~~517.0611(8) 517.0611(7)~~, F.S.

3. Statutory fee in the amount required by Section 517.0611(5), F.S.

(2) Amendment of ~~Notice Filing~~ ~~notice filing~~. If the information contained in the Form ~~FLO FL CI~~ becomes inaccurate for any reason, the issuer shall amend the information by filing an amended Form ~~FLO FL CI~~ with the Office within ~~ten (10) thirty (30)~~ days of the change. Issuers shall amend information by filing the Form ~~FLO FL CI~~ electronically with the Office through the REAL System. Failure to file amendments shall be considered a violation of Section 517.0611(6), F.S.

(3) Termination of notice-filing. Where an issuer cancels or terminates its notice-filing for any reason, notice of such fact shall be filed electronically with the Office on the Form ~~FLO FL CI~~ through the REAL System within ~~ten (10) thirty (30)~~ calendar days of the date of cancellation or termination.

(4) Financial statements. For purposes of subparagraphs ~~517.0611(8)(k)2. and 3. 517.0611(7)(h)2. and 3.~~, F.S.:

(a) through (b) No change.

(5) Disclosure statement. Certain terms used in Section ~~517.0611(8) 517.0611(7)~~, F.S., regarding the disclosure statement required to be provided by the issuer, are defined in Preparing a Disclosure Statement for a Florida ~~Limited Intrastate Crowdfunding~~ Offering Pursuant to Section 517.0611, F.S., ~~(Supplement FLO, effective 10/2024 CI).~~ A ~~sample form Supplement CI (10/15)~~ is hereby incorporated by reference as part of this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-06075,~~ or from the Office at <https://flofr.gov/XXXXX> ~~https://flofr.gov/sitePages/documents/SupplementCI.pdf.~~

PROPOSED EFFECTIVE DATE: October 1, 2024

Rulemaking Authority 517.03(1), 517.0611 FS. Law Implemented 517.0611 FS. History--New 12-29-15,_____.

69W-600.0019 Registration of Florida Limited Offering Intrastate Crowdfunding Intermediaries.

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Registration of ~~Florida Limited Offering Crowdfunding~~ Intermediary Application, Form ~~FLO-INT (10/24), effective 10/2024. FL INT (10/15)~~ A sample form (which includes its instructions, which define certain terms in Section 517.12(19), F.S.) is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-06074,~~ or from the Office at <https://flofr.gov/XXXXX> ~~https://flofr.gov/sitePages/documents/FormFL INT.pdf;~~

2. through 4. No change.

(2) through (7) No change.

PROPOSED EFFECTIVE DATE: October 1, 2024

Rulemaking Authority 517.03(1), 517.12(19), 517.121(1), 517.1611 FS. Law Implemented 517.12(19), 517.1611 FS. History--New 12-29-15, Amended 1-18-21, 3-21-24,_____.

69W-600.002 Application for Registration as Associated Person (FINRA Dealer).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. through 2. No change.

3. Persons requesting a fee waiver as set forth in Section 517.12(9), F.S., shall submit Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and

Military Service Verification, Form OFR-MIL-001, effective ~~XX/2024 09/2018~~. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or from the Office at <https://flofr.gov/XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-09913>. Form OFR-MIL-001 shall be submitted within one hundred eighty (180) days after receipt of the application.

- 4. through 5. No change.
- (2) through (7) No change.
- (8) Renewal Requirement.
- (a) through (b) No change.

(c) Persons requesting a fee waiver as set forth in Section 517.12(10) F.S., shall submit Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, Form OFR-MIL-001, effective ~~XX/2024 09/2018~~. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or from the Office at <https://flofr.gov/XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-09913>. Form OFR-MIL-001 shall be submitted within one hundred eighty (180) days after receipt of the renewal fees.

- (9) through (11) No change.

Rulemaking Authority 517.03(1), 517.12, 517.121(1) FS. Law Implemented 517.12 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, 11-22-10, 5-29-12, 11-11-13, 12-29-15, 9-25-18, 11-26-19, 1-18-21, 2-14-23, 3-21-24,_____.

69W-600.0022 Application for Registration as Associated Person (Non-FINRA Dealer).

- (1) New Applications.
- (a) No change.
- (b) An application shall include the following:
 - 1. through 2. No change.

3. Persons requesting a fee waiver as set forth in Section 517.12(9), F.S., shall submit Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, Form OFR-MIL-001, effective ~~XX/2024 09/2018~~. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or from the Office at <https://flofr.gov/XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-09913>. Form OFR-MIL-001 shall be submitted within one hundred eighty (180) days after receipt of the application.

- 4. through 5. No change.
- (2) through (7) No change.
- (8) Renewal Requirement.

- (a) through (b) No change.

(c) Persons requesting a fee waiver as set forth in Section 517.12(10) F.S., shall submit Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, Form OFR-MIL-001, effective ~~XX/2024 09/2018~~. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or from the Office at <https://flofr.gov/XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-09913>. Form OFR-MIL-001 shall be submitted within one hundred eighty (180) days after receipt of the renewal fees.

- (9) through (10) No change.

Rulemaking Authority 517.03(1), 517.12, 517.121(1) FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19, 1-18-21, 2-14-23, 3-21-24,_____.

69W-600.0024 Application for Registration as Associated Person (Investment Adviser and Federal Covered Adviser).

- (1) New Applications.
- (a) No change.
- (b) An application shall include the following:
 - 1. through 2. No change.

3. Persons requesting a fee waiver as set forth in Section 517.12(9), F.S., shall submit Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, Form OFR-MIL-001, effective ~~XX/2024 09/2018~~. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or from the Office at <https://flofr.gov/XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-09913>. Form OFR-MIL-001 shall be submitted within one hundred eighty (180) days after receipt of the application.

- 4. through 5. No change.
- (2) through (5) No change.
- (6) Examinations/Qualifications.
- (a) through (e) No change.

(f) The examination requirement for associated persons of an investment adviser or federal covered adviser shall not apply to an applicant who currently holds one of the following professional designations:

- 1. Certified Financial Planner (TM) or (CFP®) awarded by the Certified Financial Planner Board of Standards, Inc.;
- 2. Chartered Financial Consultant (ChFC) awarded by the American College of Financial Services, Bryn Mawr, PA;
- 3. No change.
- 4. Chartered Financial Analyst (CFA) awarded by the ~~CFA Institute of Chartered Financial Analysts~~; or

5. Certified Investment Management Analyst (CIMA) awarded by the Investment & Wealth Institute Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

(7) No change.

(8) Renewal Requirement.

(a) through (b) No change.

(c) Persons requesting a fee waiver as set forth in Section 517.12(10) F.S., shall submit Office of Financial Regulation Active Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, Form OFR-MIL-001, effective ~~XX/2024 09/2018~~. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or from the Office at <https://flofr.gov/XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-09913>. Form OFR-MIL-001 shall be submitted within one hundred eighty (180) days after receipt of the renewal fees.

(9) through (10) No change.

Rulemaking Authority 517.03(1), 517.12, 517.121(1) FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19, 1-18-21, 2-14-23, 3-21-24, _____.

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are prohibited business practices for investment advisers and associated persons pursuant to Section 517.1215(2), F.S., and are deemed violations by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(a), F.S., without limiting that term to the practices specified herein:

(a) No change.

(b) Borrowing money or securities from or lending money or securities to a client unless the associated person provides prior written notice to the investment adviser and the borrowing or lending arrangement meets one of the following conditions: client is a dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds.

1. The investment adviser is a financial institution engaged in the business of making loans;

2. The client is an affiliate of the investment adviser;

3. The client is a financial institution engaged in the business of loaning funds;

4. The client is a dealer;

5. The client is a parent, grandparent, mother-in-law or father-in-law, husband or wife, brother or sister, brother-in-law or sister-in-law, son-in law or daughter-in-law, child, grandchild, cousin, aunt or uncle, or niece or nephew of an associated person of the investment adviser, or the client is any other person whom the associated person supports, directly or indirectly, to a material extent;

6. The lending arrangement is based on a personal relationship with the client, such that the loan would not have been solicited, offered, or given had the client and the associated person not maintained a relationship outside the investment adviser-client relationship; or

7. The lending arrangement is based on a business relationship outside of the investment adviser-client relationship.

~~(c) Lending money or securities to a client unless the investment adviser is a financial institution engaged in the business of making loans or the client is an affiliate of the investment adviser.~~

~~(d)~~ Recommending to a client the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known by the investment adviser.

~~(d)~~ ~~(e)~~ Exercising any discretionary power in placing an order for the purchase or sale of securities for a client's account without first obtaining written discretionary authority from the client, unless the discretionary power relates solely to the time or price for the execution of orders.

~~(e)~~ ~~(f)~~ Inducing trading in a client's account which is excessive in size or frequency in view of the financial resources, investment objectives, and character of the account.

~~(f)~~ ~~(g)~~ Placing an order to purchase or sell a security on behalf of a client without authority to do so.

~~(g)~~ ~~(h)~~ Placing an order to purchase or sell a security for a client's account upon instruction of a third party without first having obtained a written third-party trading authorization from the client.

~~(h)~~ ~~(i)~~ Misrepresenting the qualifications of the investment adviser or any employee of the investment adviser to a client or prospective client when the representation does not fairly describe the nature of the services offered, the qualifications of the person offering the services, and the method of compensation for the services or omitting to state a material fact.

~~(i)~~ ~~(j)~~ Charging a client an unreasonable advisory fee.

~~(j)~~ ~~(k)~~ Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the adviser or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

1. through 2. No change.

~~(k)~~ ~~(l)~~ No change.

~~(l)~~ ~~(m)~~ Recommending to a client that the client engage the services of a dealer that is not registered or exempt from

registration under Chapter 517, F.S., unless the client is a person described in Section ~~517.061(9)~~ 517.061(7), F.S.

(m) ~~(n)~~ Recommending to a client that the client engage the services of a dealer in connection with which the investment adviser receives a fee or remuneration from the dealer, except as permitted in subsection 69W-600.0024(4), F.A.C.

(n) ~~(o)~~ Disclosing the identity, affairs, or investments of any client unless required to do so by law or consented to in writing by the client.

(o) ~~(p)~~ Giving false or otherwise misleading client information to any financial institution or regulatory agency.

(p) ~~(q)~~ Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or non-performance, whether the contract grants discretionary power to the adviser and that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract.

(q) ~~(r)~~ Entering into, extending or renewing any investment advisory contract contrary to the provisions of Section 205 of the Investment Advisers Act of 1940, 15 U.S.C. §80b-5. This provision shall apply to all advisers and associated persons of investment advisers registered or required to be registered under this Act, notwithstanding whether such adviser or associated person would be exempt from federal registration pursuant to Section 203(b) of the Investment Advisers Act of 1940, (15 U.S.C. §80b-3(b)), which is incorporated by reference in Rule 69W-200.002, F.A.C.

(r) ~~(s)~~ Including, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of Chapter 517, F.S., or with any provision of, or with any rule, regulation, or order issued under, the Investment Advisers Act of 1940 (15 U.S.C. §80b-1 through 80b-21), which is incorporated by reference in Rule 69W-200.002, F.A.C.

(s) ~~(t)~~ Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Rule 69W-600.0132, F.A.C.

(t) ~~(u)~~ Any unethical practice pursuant to Rule 69W-600.0133, F.A.C.

(u) ~~(v)~~ Failing to send a client an itemized invoice each time a fee is directly deducted from the client's account in accordance with the provisions of paragraph 69W-600.0132(2)(i), F.A.C.

(v) ~~(w)~~ Failing to establish, maintain, and enforce written policies and procedures reasonably designed to achieve

compliance, by the investment adviser or its associated persons, with Chapter 517, F.S., and Division 69W, F.A.C.

(w) ~~(x)~~ Charging a client an advisory fee greater than the amount authorized in the written investment advisory contract between the client and the investment adviser.

(2) No change.

Rulemaking Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(3), 517.1215, 517.161(1) FS. History—New 1-25-00, Amended 10-30-03, Formerly 3E-600.0131, Amended 10-23-06, 1-18-09, 11-22-10, 9-22-14, 5-6-15, 11-15-16, 11-26-19, 1-18-21, 2-14-23, 3-21-24, .

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alisa G. Goldberg, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 20, 2024

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.:

69W-700.001
69W-700.002
69W-700.003
69W-700.005
69W-700.008

RULE TITLES:

Registration of Securities
Filing of Prospectus
Content of Prospectus
Promoters Equity Investment Ratio
Options and Warrants to Officers, Employees and Others
Offering Price of Equity Securities
Submission of Sales Reports
Amendments Subsequent to Effectiveness
Offer of Securities Prior to Registration

PURPOSE AND EFFECT: The purpose and effect is to implement Chapter 2024-168, Laws of Florida, to consolidate rules concerning the same subject matter, to remove an inaccurate citation, to use consistent terms, and to update cross-references.

SUMMARY: The purpose and effect is to implement Chapter 2024-168, Laws of Florida, which revises the securities registration provisions of chapter 517, F.S., to consolidate rules concerning the registration of securities offerings and their prospectuses, to remove an inaccurate citation, to use consistent terms, and to update cross-references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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

RULEMAKING AUTHORITY: 517.03, FS.

LAW IMPLEMENTED: 517.03, 517.07, 517.081, 517.101 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: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-700.001 Registration of Securities.

(1) An applicant for registration of securities pursuant to Section 517.081, F.S., shall comply with the rules contained in Chapter 69W-700, F.A.C. An applicant shall file forms and fees electronically on the Office of Financial Regulation (Office) website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL) System or through the North American Securities Administrators Association Electronic Filing Depository (EFD) at <https://efdnasaa.org>. An application filed through the REAL System shall be deemed received on the date the Office issues to the applicant a confirmation of submission and payment via the Office’s website. An application filed through the EFD shall be deemed received on the date the Office issues to the applicant a confirmation of submission and payment. The application shall include all information required by such forms and payment of the statutory fees, as required by Section 517.081(8) ~~517.081(6)~~, F.S. An application shall include the following:

- (a) Form OFR-S-1-91, Application for Registration of Securities (~~10-2024 03-2024~~) or Form OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities (~~10-2024 03-2024~~). These forms are hereby incorporated by reference and are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16506>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16507>,

or from the Office at <https://flofr.gov/sitePages/MaterialsDS.htm>;

- (b) OFR-S-7-91, Exhibit 1 (General Issue) (~~10-2024 03-2024~~). This form is hereby incorporated by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-16508> or from the Office at <https://flofr.gov/sitePages/MaterialsDS.htm>;

- (c) No change.
- (2) No change.
- (3) Financial Reporting Requirements for Securities Registration.

- (a) through (c) No change.
- (d) For purposes of Rule 69W-700.005, F.A.C., Individual General Partners shall submit an unaudited balance sheet which conforms to United States generally accepted accounting principles. Such balance sheet should be prepared on a cost basis. A two-column presentation showing both cost in the first column paralleled by a second column presenting estimated values will also be acceptable. However, the Office will not base the net worth computation on estimated values unless satisfactory evidence of the estimated values is presented to the Office.

(4)(a) The Office of Financial Regulation may allow amendment(s) to an application for registration subsequent to the approval of such application by the Office of Financial Regulation if the amendment(s) does not materially change the terms of the offering, thereby requiring a re-examination of an application to determine compliance with Section 517.081(9), F.S., and the rules prescribed by Chapter 69W-700, F.A.C.

(b) All requests for material changes to a registration subsequent to approval by the Office of Financial Regulation shall be accompanied by a new application, filing fee and exhibits as required by Section 517.081, F.S.

Rulemaking Authority 517.03 FS. Law Implemented 517.07, 517.081, 517.101 FS. History—New 9-20-82, Formerly 3E-20.011, 3E-700.01, Amended 7-31-91, Formerly 3E-700.001, Amended 9-22-14, 12-29-15, 11-25-19, 1-17-21, 8-8-21, 3-21-24,_____.

69W-700.002 Filing of Prospectus.

- (1) through (2) No change.
- (3) The information required in a prospectus need not follow any definite order. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading.
- (4) All information contained in a prospectus shall be set forth under appropriate captions or headings reasonably indicative of the principal subject matter set forth thereunder.

Except as to financial statements and other tabular data, all information set forth in a prospectus shall be divided into reasonably short paragraphs or sections.

(5) Every prospectus shall include a reasonably detailed table of contents showing the subject matter of the various sections or subdivisions of the prospectus and the page number on which each such section or subdivision begins.

(6) Except as to financial statements and information required in tabular form, the information set forth in a prospectus may be expressed in condensed or summarized form.

(7) Illustrations and comparative graphs making comparisons with other companies or that incorporate projected data concerning any subject matter may not be used in a prospectus to be filed with any application for registration of securities unless the same are necessary to a full disclosure of material facts enabling an investor to make an informed judgment of the offering.

(a) Graphs or charts used in addition to the textual description, illustrating the dilution of the investor's equity, the difference of the public offering price and price paid by promoters and insiders, the percentage of equity purchased by the public investor and the percentage purchased by the insiders and/or the use of the proceeds from the offering will be acceptable to the Office of Financial Regulation.

(b) Photographic reproductions of principal properties or important products in prospectuses are permissible where they do not create a misleading impression.

(c) Artists, architects or engineers' conceptions or renderings are not permissible since they may be misleading in that there is not assurance of completion of the structure or because of a lack of accuracy in the conception or rendering, but accurate maps or surveys are permissible where they do not create a misleading impression.

(d) Established corporate symbols or trademarks may be used if they do not create misleading impressions.

(8) If a prospectus is complex or lengthy, an understandable and readable summary shall be included in the forepart of the prospectus.

(9) A prospectus which conforms with requirements of the Securities and Exchange Commission or the Federal Deposit Insurance Corporation will be considered to be in substantial compliance with this rule.

(10) The prospectus shall disclose whether the issuer proposes to furnish to the security holders annual reports and whether such reports will contain certified audited or unaudited financial statements. The nature and frequency of other reports to be issued by the registrant shall be disclosed and whether or not such reports shall contain certified audited or unaudited financial statements. The disclosure is not necessary if registrant is required to send annual reports containing financial

statements to security holders pursuant to the statutes or regulations administered by the Securities and Exchange Commission or pursuant to a listing agreement with a national securities exchange.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.081(3) FS. History—New 9-20-82, Formerly 3E-20.01, 3E-700.02, Amended 10-26-97, Formerly 3E-700.002, Amended 11-22-10, 9-22-14, 11-25-19, 3-21-24, _____.

69W-700.003 Content of Prospectus.

Rulemaking Authority 517.03 FS. Law Implemented 517.081(3) FS. History—New 9-20-82, Formerly 3E-20.02, 3E-700.03, 3E-700.003, Amended 3-21-24, Repealed _____.

69W-700.005 Promoters Equity Investment Ratio.

In offerings where the issuer is a development-stage company in a development stage, the ratio of equity investment by promoters or insiders to the aggregate public offering shall be no less than:

(1) Seven Ten percent (7%) (40%) of the first \$1,000,000 of the aggregate public offering; and,

(2) \$70,000 plus two and one-half percent (2.5%) Seven percent (7%) of the next \$4 million \$500,000 of the aggregate public offering; and,

(3) \$170,000 for offerings greater than \$5 million Five percent (5%) of the next \$500,000 of the aggregate public offering; and,

(4) Two and one half percent (2 1/2%) of the balance over \$2,000,000.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.081(3), (9) (7) FS. History—New 9-20-82, Formerly 3E-20.03, 3E-700.05, Amended 10-26-97, Formerly 3E-700.005, Amended 5-15-07, 9-22-14, _____.

69W-700.008 Options and Warrants to Officers, Employees and Others.

The Office of Financial Regulation will permit the registration of securities where options and warrants are granted to officers, employees and others only on the condition that such options or warrants meet the criteria set forth below.

(1) through (3) No change.

(4) For the purposes of this rule, "institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:

(a) through (e) No change.

(f) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of \$10,000,000 or its investment decisions are made by a named fiduciary, as defined in the Employee Retirement Income Security Act of 1974, which is incorporated by reference in Rule 69W-200.002, F.A.C., that is a broker-dealer registered under the Securities Exchange Act of 1934, an investment adviser registered or

exempt from registration under the Investment Advisers Act of 1940, an investment adviser registered under ~~Section Sections~~ 517.021(14)(a) and 517.12, F.S., a depository institution, or an insurance company;

(g) through (o) No change.

Rulemaking Authority 517.03 FS. Law Implemented 517.03, 517.081(5), (7) FS. History—New 9-20-82, Formerly 3E-20.07, 3E-700.08, 3E-700.008, Amended 9-22-14, 3-21-24, _____.

69W-700.015 Offering Price of Equity Securities.

(1) No change.

(2) In offerings where the issuer is in the development stage phase, or the issuer fails to comply with subsection (1) of this rule, a specific risk factor entitled “Immediate Substantial Dilution” in the prospectus stating the book value per share before and after completion of the offering and the dilution percentage to purchasers of the offering.

(3) through (4) No change.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.081(3), (9), (7) FS. History—New 9-20-82, Formerly 3E-20.15, 3E-700.15, Amended 11-30-97, Formerly 3E-700.015, Amended 11-22-10, 9-22-14, 3-21-24, _____.

69W-700.019 Submission of Sales Reports.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.081(3) FS. History—New 9-20-82, Formerly 3E-20.18, 3E-700.19, Amended 12-8-87, 7-31-91, Formerly 3E-700.019, Amended 10-29-12, Repealed _____.

69W-700.022 Amendments Subsequent to Effectiveness.

Rulemaking Authority 517.03 FS. Law Implemented 517.03(1) FS. History—New 9-20-82, Formerly 3E-700.022, Repealed _____.

69W-700.031 Offer of Securities Prior to Registration.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.07 FS. History—New 12-5-79, Formerly 3E-100.08, Amended 10-1-96, 10-20-97, Formerly 3E-100.008, Formerly 69W-100.008, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alisa G. Goldberg, Director, Division of Securities
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2024
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 20, 2024

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: 69W-1000.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect is to clarify when the Office may consider mitigating and aggravating circumstances in determining an appropriate sanction for each violation of a ground for disciplinary action, to implement Chapter 2024-168, Laws of Florida, and to update the Disciplinary Guidelines incorporated in the rule.

SUMMARY: The purpose and effect is to clarify when the Office may consider mitigating and aggravating circumstances in determining an appropriate sanction for each violation of a ground for disciplinary action, to implement Chapter 2024-168, Laws of Florida, which amended the administrative penalty provisions of chapter 517, F.S., and to update the Disciplinary Guidelines incorporated in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has 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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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

RULEMAKING AUTHORITY: 517.1611(1) FS.

LAW IMPLEMENTED: 517.111, 517.121, 517.161, 517.1202, 517.1611(1), 517.191(4), 517.221(3), (4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-1000.001 Disciplinary Guidelines.

(1) Pursuant to Section 517.1611, F.S., disciplinary guidelines applicable to each ground for which disciplinary

action may be imposed by the Office against an individual or a firm under Chapter 517, F.S., are hereby adopted. The disciplinary guidelines are contained in the Office of Financial Regulation Disciplinary Guidelines for Chapter 517, Florida Statutes (F.S.) and Division 69W, Florida Administrative Code (F.A.C.) (effective ~~XX-XX~~ 03-24), which is hereby incorporated by reference. A copy of the disciplinary guidelines may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399, or may be obtained electronically through the following website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-16513> or available from the Office at <https://flofr.gov/sitePages/documents/Matrix.pdf>.

(2) Each violation of any provision of Chapter 517, F.S., or the rules adopted under the rulemaking authority of Chapter 517, F.S., constitutes a ground for disciplinary action by the Office. The level of sanction imposed for each violation of a ground for disciplinary action is reflected in the disciplinary guidelines. In determining an appropriate sanction for each violation of a ground for disciplinary action, the Office may ~~shall~~ consider the circumstances set forth in subsection (5).

(3) through (4) No change.

(5) In accordance with Section 517.1611(1)(a), F.S., the Office may ~~will~~ consider the following mitigating and aggravating circumstances in determining whether to impose a penalty other than that specified in the disciplinary guidelines the appropriate level of sanction within the range of sanctions prescribed in this rule for each violation of a ground for disciplinary action:

(a) through (w) No change.

~~(6)(a) In accordance with Section 517.1611(1)(b), F.S., the Office will consider the circumstances in subsection (5), when determining whether a deviation from the range of sanctions prescribed in the disciplinary guidelines is warranted.~~

~~(7)(a) The fines imposed on a natural person for violation of a ground for disciplinary action are up to \$5,000 \$2,000 for a level "A" fine, \$5,001 \$2,001 to \$10,000 \$5,000 for a level "B" fine, \$10,001 \$5,001 to \$15,000 \$7,500 for a level "C" fine and \$15,001 \$7,501 to \$20,000 \$10,000 for a level "D" fine. The mitigating and aggravating circumstances provided in subsection (5), may be applied to the fines imposed for violation of a ground for disciplinary action resulting in a range of fines of up to \$2,000 for a level "A" fine, \$2,001 to \$5,000 for a level "B" fine, \$5,001 to \$7,500 for a level "C" fine and \$7,501 to \$10,000 for a level "D" fine.~~

(b) The fines imposed on a business entity for violation of a ground for disciplinary action are up to \$6,250 for a level "A"

fine, \$6,251 to \$12,000 for a level "B" fine, \$12,001 to \$18,750 for a level "C" fine, and \$18,751 to \$25,000 for a level "D" fine.

~~(c) (b)~~ A Notice of Noncompliance shall be a statement issued by the Office as described in Section 120.695, F.S. For the purpose of this rule, a Notice of Noncompliance is not considered an occurrence of a violation.

~~(d) (e)~~ A previous "occurrence" is the same or similar misconduct which was the subject of a Final Order entered by the Office prior to the acts or omissions which are the subject of the current action by the Office.

~~(7) (8)~~ The ranges for suspensions imposed by this rule are up to 5 days for an "A" level suspension; 6 to 30 days for a "B" level suspension; and, over 30 days for a "C" level suspension. A business day is defined as a day the major stock exchanges are open. Suspensions of 30 or fewer days are measured in business days while a suspension of 31 or more days is measured in calendar days. The mitigating and aggravating circumstances provided in subsection (5), may be applied to the suspensions imposed for violation of a ground for disciplinary action resulting in a range of suspension of up to 5 days for an "A" level suspension; 6 to 30 days for a "B" level suspension; and over 30 days for a "C" level suspension.

~~(8) (9)~~ In addition to the provisions of this rule, the Office may, when appropriate, seek civil remedies including the entry of an injunction, the appointment of a receiver by a court of competent jurisdiction, or any other remedy authorized by law. *Rulemaking Authority 517.1611(1) FS. Law Implemented 517.111, 517.121, 517.161, 517.1202, 517.1611(1), 517.191(4), (9), and (10), 517.221(3), (4) FS. History—New 11-22-10, Amended 11-14-13, 5-6-15, 11-15-16, 12-10-19, 1-18-21, 3-21-24, _____.*

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alisa G. Goldberg, Director, Division of Securities
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2024
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 20, 2024

Section III Notice of Changes, Corrections and Withdrawals

EXECUTIVE OFFICE OF THE GOVERNOR
Division of Emergency Management
RULE NOS.: RULE TITLES:
27P-22.002 Definitions
27P-22.007 Application
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 50 No. 124, June 25, 2024 issue of the Florida Administrative Register.

The SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of the Notice of Proposed Rule is corrected to include the information inadvertently excluded as follows:

The Division has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: The Division's economic evaluation of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On July 11, 2024, the Division issued an order. The Final Order was in response to a Petition for an Emergency Temporary Variance from Rogers East Condo Inc located at 900 Spanish River Blvd. NE., Boca Raton, FL 33431, filed June 21, 2024, and advertised on June 26, 2024, in Vol. 50, No. 125, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a temporary variance from Rule 2.27.2, ASME A17.1, 2016, edition and Rule 8.6.4.19.7, ASME A17.1, 2016, edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires elevators provided with an emergency or standby power system to operate the elevator in case the normal power supply fails shall comply with the requirements of 2.27.2.1 through 2.27.2.5. and operation of elevators equipped with standby, or emergency power shall be tested to determine conformance with the applicable

requirements (Item 1.17.2.1). Tests shall be performed with no load in the car, because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2024-107).

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. chr.elevators@myfloridalicense.com.

Section VI Notice of Meetings, Workshops and Public Hearings

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a hearing to which all persons are invited.

DATES AND TIMES: PREHEARING: Tuesday, July 23, 2024, 1:00 p.m.

HEARING: Tuesday, August 6, 2024, immediately following the Commission Agenda conference at 9:30 a.m. Wednesday through Friday, August 7-9, 2024, have also been reserved for continuation of the hearing if necessary. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Docket No. 20240012-EG - Commission review of numeric conservation goals (Florida Power & Light Company).

Docket No. 20240013-EG - Commission review of numeric conservation goals (Duke Energy Florida, LLC).

Docket No. 20240014-EG - Commission review of numeric conservation goals (Tampa Electric Company).

Docket No. 20240015-EG - Commission review of numeric conservation goals (Florida Public Utilities Company).

Docket No. 20240016-EG - Commission review of numeric conservation goals (JEA).

Docket No. 20240017-EG - Commission review of numeric conservation goals (Orlando Utilities Commission).

PREHEARING: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING: The purpose of this hearing shall be to receive testimony and exhibits and to take final action relative to the

Commission's review of the utilities' numeric conservation goals and to take action on any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow the parties to present evidence and testimony in support of their positions; (2) allow for such other purposes as the Commission may deem appropriate.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The hearing will be governed by the provisions of Chapters 120 and 366, Florida Statutes, and Chapters 25-17, 25-22, and 28-106, Florida Administrative Code.

EMERGENCY CANCELLATION OF HEARING

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.floridapsc.com>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at 850-413-6199.

A copy of the agenda may be obtained by contacting:

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: Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850) 413-6770. 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: Jacob Imig, jimig@psc.state.fl.us, or Jon Rubottom, jrubotto@psc.state.fl.us, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6199.

DEPARTMENT OF CHILDREN AND FAMILIES

Mental Health Program

The Department of Children and Families, Substance Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 12, 2024, 9:00 a.m. – 11:00 a.m. EST

PLACE: This meeting was originally scheduled for August 14, 2024 but is being moved to August 12, 2024. Virtual meeting via Microsoft Teams. The access link is listed below and also available on the Department of Children and Families calendar of events located here:

<https://www.myflfamilies.com/news-and-events>
Children and Youth Subcommittee

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjI5MzA1M2UtNjljNi00ODkwLWIxMUYtOGY2ZjE1OTdlYzcxw%40thread.v2/0?context=%7b%22Tid%22%3a%22f70dba48-b283-4c57-8831-cb411445a94c%22%2c%22Oid%22%3a%229251b7d2-1414-4b53-82ff-2a40dc98d569%22%7d

Call-in (audio only): 1-412-912-1530, Phone Conference ID: 554 559 12

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission on Mental Health and Substance Use Disorder is meeting in accordance with section 394.9086, F.S. Discussion topics will include the status of Florida's behavioral health system of care and opportunities to further examine the current methods of providing mental health and substance use services in the state.

A copy of the agenda may be obtained by contacting: Aaron Platt at Aaron.platt@myflfamilies.com or (850) 717-4331.

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: Aaron Platt at Aaron.platt@myflfamilies.com or (850) 717-4331. 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 CHILDREN AND FAMILIES

Refugee Services

The Orlando Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 14, 2024, 10:00 a.m. – 12:00 Noon

PLACE: Meeting will take place via the Microsoft Teams platform. Use the below link to connect to the meeting:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Mjg3YzdjMjQtY2FmYS00ZGVlLWE3MDEtZTE4NDYxYmNjMGNj%40thread.v2/0?context=%7b%22Tid%22%3a%22f70dba48-b283-4c57-8831-cb411445a94c%22%2c%22Oid%22%3a%224c7ac74e-0835-4242-a8cf-f26976fc1c32%22%7d

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: David Draper at (407) 317-7335 or Rosa Chaves at (407) 317-7336.

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: David Draper at (407) 317-7335 or Rosa Chaves at (407) 317-7336. 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 Draper at (407) 317-7335 or Rosa Chaves at (407) 317-7336.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE NOS.:RULE TITLES:

- 68E-5.001 Introduction, Scope, and Definitions
- 68E-5.002 Reporting Requirements
- 68E-5.003 Record Content and Description
- 68E-5.004 Data Management
- 68E-5.005 Penalties
- 68E-5.900 Forms

The FISH AND WILDLIFE CONSERVATION COMMISSION announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 30, 2024, 6:00 p.m. – 8:00 p.m., EDT

PLACE: Statewide webinar. More information about how to participate in the webinar will be available on FWC website prior to the webinar date: <http://www.myfwc.com/fishing/saltwater/rulemaking/workshops/>. People interested in participating may also contact the Division of Marine Fisheries Management at (850) 487-0554 for more information.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a virtual public workshop to gather public input on updating requirements for the Marine Fisheries Information System, commonly known as the Marine Fisheries Trip Ticket Program. Changes being considered would align the requirements in rule for reporting commercial harvest of marine species with current practice, revise reporting deadlines, improve commercial fisheries data, and facilitate enforcement of rules. Additionally, the rule may be moved from Division 68E (Marine Resources) to Division 68B (Marine Fisheries) of the Florida Administrative Code.

During the workshop, staff will provide a presentation on the Marine Fisheries Trip Ticket Program and potential rule changes. Public feedback gathered during this workshop will inform the proposed rules presented to the FWC Commissioners for consideration at a future Commission meeting.

A copy of the agenda may be obtained by contacting: Jessica McCawley, at 620 South Meridian St., Tallahassee, Florida 32399, (850) 487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850) 488-6411. 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: Jessica McCawley, at 620 South Meridian St., Tallahassee, Florida 32399, (850) 487-0554.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-73.001 Energy Storage Systems

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

DATE AND TIME: July 22, 2024, 9:00 a.m. – 10:00 a.m.

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

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Notice is an addition to the Notice of Workshop that was published in Vol. 50 Issue 120, on June 19, 2024. This workshop is being held in-person and by GoToMeeting.

A copy of the agenda may be obtained by contacting: Bruce Gillingham at, 850-413-3736 or Bruce.Gillingham@myfloridacfo.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 5 days before the workshop/meeting by contacting: Bruce Gillingham at, 850-413-3736 or Bruce.Gillingham@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).

MARION SOIL AND WATER CONSERVATION DISTRICT

The Marion Soil and Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: July 15, 2024, 9:30 a.m.

PLACE: 2710 E Silver Springs Blvd., Ocala

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting to discuss supervisors' resignations/appointments, FDACS contract, and OPPAGA report

A copy of the agenda may be obtained by contacting: (352)438-2478

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

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

DATE AND TIME: Tuesday, July 23, 2024, 6:00 p.m.

PLACE: Kendall Branch Library, 9101 SW 97 Ave., Miami, FL 33176. Virtual Meeting:

https://attendee.gotowebinar.com/register/7123598837134830684. Participants can also call in by dialing +1 (631) 992-3221; Access code: 845-478-443

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) will host a Hybrid (In-person and Online) Public Meeting for a design roadway project along SR 94/SW 88 Street/ North Kendall Drive From west of SW 92 avenue to SW 9100 block, in Miami-Dade County. The project identification number is 451036-1-52-01. The meeting will consist of a formal presentation followed by an open discussion. Staff will be available to answer questions and provide assistance. Questions will be responded to as time permits, in the order received. If your question is not responded to during the event, a response will be provided in writing following the meeting. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: Community Outreach Specialist, Jose Ignacio Grados at (305)470-5477, email: Josel.Grados@dot.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tish Burgher at (305) 470-5277 or in writing at FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at: Tish.Burgher@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: Community Outreach Specialist Jose Ignacio Grados at (305)470-5477, email: Josel.Grados@dot.state.fl.us.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Medicine

NOTICE IS HEREBY GIVEN that Board of Medicine has received the petition for declaratory statement from Youmna Distefano, M.D., on July 9, 2024. The petition seeks the agency's opinion as to the applicability of Sections 458.305(3) and 458.331(w), F.S., as it applies to the petitioner.

Petitioner seeks the Board of Medicine's determination as to whether it is within her scope of practice as a medical doctor: (1) to employ and directly supervise naturopathic health care consultants through her Florida-based medical practice who will discuss naturopathic treatment alternatives to patients who express an interest in considering such treatment alternatives and pursuant to a written protocol developed by Petitioner; and (2) if the answer to question (1) is yes, whether the naturopathic healthcare consultants can provide telehealth consultations to Petitioner's patients under the doctor's direct supervision. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paul J. Vazquez, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, or Paul.Vazquez@flhealth.gov

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION
 University of West Florida
 CALL FOR QUALIFICATIONS
 Mechanical and Electrical Engineering Services
 24PQS-01BBH

The University is soliciting professional qualifications submittals from qualified firms to establish multi-year, non-exclusive agreements to provide mechanical and electrical engineering services for minor projects on an as-needed basis at the University of West Florida in Pensacola, Florida in accordance with the specifications identified in this Professional Qualifications Solicitation (PQS). Solicitation documents, and all related information, may be downloaded from BidNet Direct at <https://www.bidnetdirect.com/florida/university-of-west-florida>.

An authorized representative of the firm interested in submitting a response on this work must attend the Mandatory Pre-Submittal Conference on Wednesday, July 31, 2024 in UWF Building 92, Room 110 at 9:00 a.m. Central Time on the University Main Campus, 11000 University Parkway, Pensacola, Florida, for the purpose of considering questions posed by respondents for interested parties for Mechanical and Electrical Engineering Services. A link to the Bldg. 92 on the UWF:

<https://map.uwf.edu/?id=1250#!ct/41018,33038?m/362270>.

Failure of a representative from the principal respondent firm to attend the Pre-Submittal Meeting and sign in on the UWF official log as documented proof of attendance, shall result in immediate disqualification from this competitive solicitation process.

Submittals will be received through BidNet Direct until August 28, 2024 at 1:00 p.m. Central Time. Responses must be submitted in full and in accordance with the requirements of all terms and conditions of the Professional Qualifications Solicitation. All inquiries should be submitted through BidNet Direct. If you have questions, need help registering, accessing,

viewing or submitting your response/proposal please call the following toll-free number: 1-800-835-4603 and select Option 2 for assistance.

DEPARTMENT OF EDUCATION
 University of West Florida
 CALL FOR QUALIFICATIONS
 Site and Civil Engineering Services
 24PQS-02BBH

The University is soliciting professional qualifications submittals from qualified firms to establish multi-year, non-exclusive agreements to provide site and civil engineering services for minor projects on an as-needed basis at the University of West Florida in Pensacola, Florida in accordance with the specifications identified in this Professional Qualifications Solicitation (PQS). Solicitation documents, and all related information, may be downloaded from BidNet Direct at <https://www.bidnetdirect.com/florida/university-of-west-florida>.

An authorized representative of the firm interested in submitting a response on this work must attend the Mandatory Pre-Submittal Conference on Wednesday, July 31, 2024 in UWF Building 92, Room 110 at 10:00 a.m. Central Time on the University Main Campus, 11000 University Parkway, Pensacola, Florida, for the purpose of considering questions posed by respondents for interested parties for Mechanical and Electrical Engineering Services. A link to the Bldg. 92 on the UWF:

<https://map.uwf.edu/?id=1250#!ct/41018,33038?m/362270>.

Failure of a representative from the principal respondent firm to attend the Pre-Submittal Meeting and sign in on the UWF official log as documented proof of attendance, shall result in immediate disqualification from this competitive solicitation process.

Submittals will be received through BidNet Direct until August 28, 2024 at 1:00 p.m. Central Time. Responses must be submitted in full and in accordance with the requirements of all terms and conditions of the Professional Qualifications Solicitation. All inquiries should be submitted through BidNet Direct. If you have questions, need help registering, accessing, viewing or submitting your response/proposal please call the following toll-free number: 1-800-835-4603 and select Option 2 for assistance.

DEPARTMENT OF EDUCATION
 University of Central Florida
 UCF-609 Student Union Renovation/Remodel
 NOTICE TO ARCHITECTS/INTERIOR DESIGNERS

The University of Central Florida Board of Trustees announces that services in the disciplines of Architect/Interior Designers will be required for the project listed below:

Project No.: UCF-609

Project and Location: Student Union Renovation / Remodel, University of Central Florida, 12715 Pegasus Dr., Orlando, FL 32816.

The UCF Student Union was designed and constructed over 30 years ago, and has undergone many renovations and additions over its lifetime. The building needs a comprehensive interior renovation/remodel to align the aesthetics of the building with the UCF brand and to create a positive facility experience for all students, faculty, staff, and visitors. This project scope includes the planning, design, and construction administration of the renovation/remodel of the UCF Student Union to accomplish these goals, including but not limited to architecture, interior design, branding, wayfinding/vendor signage, space use analysis, audio/visual, limited MEP/FP scope (as needed), cost estimating and exterior design improvements.

The total project budget ranges from \$6M to \$10M; within this, the construction cost is estimated between \$5M and \$8M. The project size, scope, and budget may be changed at UCF's discretion, and this project is subject to the availability of funding. All design packages/presentations must be accompanied by a construction cost estimate, so that the university understands the costs of the presented designs.

All firms applying must be licensed Architects/Engineers/Interior Designers in the State of Florida by the Florida Department of Business and Professional Regulation at the time of application and, if a Corporation, registered to operate in the State of Florida by the Department of State, Division of Corporations. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services. Basic Services fee calculations will use the DMS fee curve as a maximum, and will include all services listed on the UCF "Basic and Additional Services for Major and Minor Projects" policy, found at this link:

<https://public.powerdms.com/UCFFSD/documents/1593864>.

NOTE: The Selection Committee may reject all proposals and stop the selection process at any time. The University also reserves the right to cancel the project at any time.

Instructions for submitting a proposal can be found on the Project Fact Sheet. The Project Fact Sheet and Professional Qualifications Supplement Form may be obtained on our website

<https://www.fp.ucf.edu/vendors/current-advertisements/> or by contacting: Gina Seabrook, Email: gina.seabrook@ucf.edu, Phone: (407) 823-5894.

We are accepting only electronic submissions, to be uploaded at: <https://ucf.bonfirehub.com/opportunities/146369>

Submittals must be received by 5:00 p.m. local time August 13, 2024. Late submissions or additional documentation will not be accepted.

THE BRENTWOOD CO., INC

University of Florida

The Brentwood Co., Inc., Construction Management, will be accepting bids for UF Project MP08289, Norman Hall Fire Alarm Corrections, Gainesville, FL for bid package 26 - Electrical/Fire Alarm.

ALL BIDS MUST BE SEALED. Sealed bids will be received at The Brentwood Company, Inc., 101 SW 140th Terrace, Suite A, Newberry, FL 32669. Sealed bids must be in a SEPARATE ENVELOPE from the shipping envelope with name of the project, the bid date and time and the name and address of the bidding company on the sealed envelope.

Bidders are responsible for the timely delivery of bids. No bids will be accepted after the bid date and time.

Bidders must complete and return a Prequalification Application by July 25, 2024 and be approved prior to submitting bids. Request prequalification application and bid information by emailing Tom Fillmer at tom@brentwoodcompany.com.

BIDS ARE DUE THURSDAY, AUGUST 1, 2024, NO LATER THAN 3:00 p.m.

DAYTONA STATE COLLEGE

Architectural Services

Daytona State College

Architectural Design Services

RFQu #24-017

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona State College hereby publicly announces it will consider qualified professional firms, licensed and registered to do work in the State of Florida, for a project requiring architectural and engineering services. An experienced A/E firm is needed to design an Aircraft Airframe Mechanics and Power Plant Mechanics facility. The facility will need to be able to house all components of an aircraft. A mechanic must be able to perform many maintenance and alteration tasks on aircraft. Aircraft and Powerplant mechanics repair and maintain most parts of an aircraft, including the engines, landing gear, brakes and air conditioning systems. This program will house aircrafts, aircraft engines, and jet engines. There will need to be an area for flammable fuel storage. This program will have to meet all FAA requirements. The GSF will be approximately 20,000 sf and total project cost will be approximately \$13.4M inclusive of all furniture, fixtures and equipment.

Following the Submittal Guidelines, interested firms should submit proposals no later than 2:00 p.m. on July 30, 2024, to the Facilities Planning Department, Daytona State College, B430A/R108, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by

contacting sharon.dyke@daytonastate.edu or by visiting our website at <https://www.daytonastate.edu/Facilities-Planning>

DAYTONA STATE COLLEGE

Architectural Services
Daytona State College
Architectural Design Services
RFQu #24-018

Pursuant to the provisions of Section 287.055, Florida Statutes, the “Consultants’ Competitive Negotiations Act”, Daytona State College hereby publicly announces it will consider qualified professional firms, licensed and registered to do work in the State of Florida, for a project requiring architectural and engineering services. The College is looking to remodel Underhill Hall (Building 8) on our DeLand Campus to a defensive tactics lab and classrooms with associated spaces that will complement our new indoor Firing Range. The building is approximately 7,200 gsf and can be used for an Enhanced Hurricane Protection Building as presently designed. Total estimated budget will be \$3.5M. inclusive of all furniture, fixtures and equipment.

Following the Submittal Guidelines, interested firms should submit proposals no later than 2:00 p.m. on August 12, 2024, to the Facilities Planning Department, Daytona State College, B430A/R108, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting sharon.dyke@daytonastate.edu or by visiting our website at <https://www.daytonastate.edu/Facilities-Planning>

**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., Friday, July 5, 2024, and 3:00 p.m., Thursday, July 11, 2024.

Rule No.	File Date	Effective Date
1S-2.034	7/11/2024	7/31/2024
5AER24-7	7/9/2024	7/9/2024
5O-1.002	7/8/2024	7/28/2024
5O-1.003	7/8/2024	7/28/2024
5O-2.001	7/8/2024	7/28/2024
5O-2.002	7/8/2024	7/28/2024
5O-2.003	7/8/2024	7/28/2024
5O-5.002	7/8/2024	7/28/2024

69D-1.001	7/8/2024	7/28/2024
69D-1.002	7/8/2024	7/28/2024
69D-1.003	7/8/2024	7/28/2024
69D-1.004	7/8/2024	7/28/2024
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40E-4.091	6/26/2023	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of Sunshine State Golf Carts Ocala LLC, line-make SRCP

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Star EV Corporation, intends to allow the establishment of Sunshine State Golf Carts Ocala LLC, as a dealership for the sale of low-speed vehicle manufactured by Star EV Corporation line-make (SRCP) at 9267 SW Hwy 200 #4, Ocala, (Marion County), Florida 34481, on or after August 11, 2024.

The name and address of the dealer operator(s) and principal investor(s) of Sunshine State Golf Carts Ocala LLC are dealer operator(s): Ron Davis, 9267 SW Hwy 200 #4, Ocala, Florida 34481; principal investor(s): Ron Davis, 9267 SW Hwy 200 #4, Ocala, Florida 34481.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Jane Zhang, Star EV Corporation, 378 Neely Ferry Rd, Simpsonville, South Carolina 29680.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NO.: RULE TITLE:

62-342.700 Financial Responsibility

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, Florida Statutes (F.S.), from the provisions of Section 120.542, F.S. and Rule 62-342, F.A.C., to Wekiva River Mitigation Bank, LLC. The file has been assigned OGC File No. OGC 24-1987. The variance will allow the Wekiva River Mitigation Bank, LLC located in Lake County Florida to use a trust fund agreement that deviates from the form incorporated by Rule 62-342.700(5), F.A.C., by including the United States Army Corps of Engineers as a co-grantee. The variance is being granted because the petitioner has demonstrated the variance is necessary to relieve or prevent hardship. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, Telephone: 850-245-7512, email kayla.mcneilly@floridadep.gov.

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not

represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; A statement of when and how the petitioner received notice of the agency decision; (c) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (d) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (e) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (f) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action. The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at AgencyClerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Petitions for an administrative hearing must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative hearing under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-342.700 Financial Responsibility

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, Florida Statutes (F.S.), from the provisions of Section 120.542, F.S. and Rule 62-342, F.A.C., to Florida Mitigation Bank, LLC. The file has been assigned OGC File No. OGC 24-1986. The variance will allow the Florida Mitigation Bank, LLC located in Osceola County Florida to use a trust fund agreement that deviates from the form incorporated by Rule 62-342.700(5), F.A.C., by including the United States Army Corps of Engineers as a co-grantee. The variance is being granted because the petitioner has demonstrated the variance is necessary to relieve or prevent hardship. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 2600 Blair Stone Road, MS 2500 Tallahassee, FL 32399-2400, Telephone: 850-245-7512, email kayla.mcneilly@floridadep.gov.

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name,

address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; A statement of when and how the petitioner received notice of the agency decision; (c) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (d) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (e) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (f) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action. The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at AgencyClerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Petitions for an administrative hearing must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative hearing under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the

running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Drinking Water State Revolving Fund (DWSRF) Program
 NOTICE OF AVAILABILITY
 FLORIDA CATEGORICAL EXCLUSION NOTICE (FCEN)
 Alligator Point Water Resources District (APWRD)

The Florida Department of Environmental Protection (DEP) has determined that the APWRD's projects for to upgrade the Water Distribution System and replace the Meters is not expected to generate controversy over potential environmental effects. The estimated construction cost is \$1,898,150. The project may qualify for a Drinking Water State Revolving Fund loan comprised 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 FCEN can be obtained by writing to: Mahnaz Massoudi, SRF Program, DEP, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850) 245-2960 or emailing mahnaz.massoudi@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Clean Water State Revolving Fund (CWSRF) Program
 NOTICE OF AVAILABILITY
 FLORIDA FINDING OF NO SIGNIFICANT IMPACT (FFONSI)

City of Lake Hamilton

The Florida Department of Environmental Protection (DEP) has determined that the City of Lake Hamilton's project for upgrades to a wastewater treatment facility and Transmission System Improvements are not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$9,057,633. The project may qualify for a CWSRF loan comprised of federal or 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 FFONSI can be obtained by writing to Katie Lewis, CWSRF

Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850) 245-2829 or emailing to Katie.Lewis@FloridaDEP.Gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Drinking Water State Revolving Fund (DWSRF) Program
 NOTICE OF AVAILABILITY
 FLORIDA CATEGORICAL EXCLUSION NOTICE (FCEN)
 City of Sarasota

The Florida Department of Environmental Protection (DEP) has determined that the City of Sarasota's project involving rehabilitation of wastewater treatment plant, water treatment plant quality improvements, and water main replacements is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$113,000,000 (drinking water: \$73,000,000 and wastewater: \$40,000,000). The project may qualify for Drinking Water and Clean Water SRF loans 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 FCEN can be obtained by writing to: Venkata Panchakarla, SRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850)245-2981 or emailing venkata.panchakarla@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Clean Water State Revolving Fund (CWSRF) Program
 NOTICE OF AVAILABILITY
 FLORIDA FINDING OF NO SIGNIFICANT IMPACT (FFONSI)
 FLORIDA GOVERNMENTAL UTILITY AUTHORITY (FGUA)

The Florida Department of Environmental Protection (DEP) has determined that the FGUA's project involving the construction of new wastewater collection, transmission, treatment and disposal facilities is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$37,059,000. The project may qualify for a CWSRF loan comprised of federal or 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 FFONSI can be obtained by writing to: Thomas Montgomery, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850) 245-2967 or emailing to thomas.montgomery@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Restoration Assistance
FLORIDA CATEGORICAL EXCLUSION NOTICE (FCEN)
CITY OF WEST PALM BEACH
NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE
WEST PALM BEACH, FLORIDA

The Florida Department of Environmental Protection (DEP) has determined that the West Palm Beach's project involving the rehabilitation of and improvements to the East Central Regional Water Reclamation Facility is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$103,767,665. The project may qualify for a Clean Water State Revolving Fund (CWSRF) loan comprised of federal or 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: Thomas Montgomery, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850) 245-2967 or emailing to thomas.montgomery@dep.state.fl.us.

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.
