

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-11.001 Application for Licensure
PURPOSE AND EFFECT: The Board proposes a rule amendment intended to update and clarify the application for licensure.
SUBJECT AREA TO BE ADDRESSED: To clarify application for licensure.
RULEMAKING AUTHORITY: 456.013, 461.005 FS.
LAW IMPLEMENTED: 456.013, 456.017(1)(c), 456.039, 456.048, 456.0635, 456.0135, 461.006, 465.0276, 465.039 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: Ashleigh Irving, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: RULE TITLE:
5K-10.006 Hemp Extract
PURPOSE AND EFFECT: The purpose of this rulemaking is to implement statutory changes passed during the 2023 Legislative Session.
SUMMARY: The proposed rule updates definitions, penalties for violations and the requirements regarding dairy products that contain hemp and hemp extract for human consumption.
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 has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed changes to Rule 5K-10.006, F.A.C., clarify existing fine authority for certain violations and clarify existing statutory requirements, including prohibitions on product labeling, packaging, and advertising that is attractive to children. Fines are only imposed in the event of a violation, so there is no additional cost to regulated entities. Furthermore, the prohibitions on labeling and packaging that is attractive to children and on advertising that targets or is attractive to children are already in statute, so there is no additional cost to businesses as a result of this rule. Therefore, no adverse impact or regulatory cost is associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

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

LAW IMPLEMENTED: 500.03, 500.04, 500.09, 500.10, 500.11, 500.12, 500.121, 500.13, 500.172, 581.217(7), F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brenda Noble, Brenda.Noble@fdacs.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-10.006 Hemp Extract

(1) Products. Milk, Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption are subject to the requirements of Chapter 502, F.S., Section 581.217, F.S., and Chapter 5K-10, F.A.C., in addition to the requirements of this rule. Grade “A” milk and milk products to which Hemp or Hemp Extract for Human Consumption has been added shall be considered “Substitute Milk” or “Substitute Milk Products” as defined in Chapter 502, F.S. In addition to

the requirements in Section 502.165, F.S., Substitute Milk and Substitute Milk Products containing Hemp or Hemp Extract for Human Consumption are subject to the requirements of Chapter 5K-10, F.A.C.

(2) Definitions. The definitions provided in Sections 502.012 and 581.217, F.S., and the following shall apply to this rule:

(a) “Approved Source” for the purposes of this rule means Hemp Frozen Dessert Plant Manufacturer, Hemp Substitute Milk Manufacturer, or Hemp Substitute Milk Product Manufacturer manufacturing, processing, packing, holding, or preparing or selling Substitute Milk, Substitute Milk Products, or Frozen Desserts at wholesale or retail that meet the requirements of Section 581.217(7)(a)1.d., F.S. meets local, state, or federal food safety standards from the jurisdiction of origin.

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

(c)(b) “Batch” or “Lot” means the Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption produced during a period of time under similar conditions and identified by a specific code that allows traceability.

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

(e)(e) “Expiration Date” means the month and year as determined by the processor, plant manufacturer, packer, or distributor based on the basis of tests or other information showing that the product, until that date, under the conditions of handling, storage, preparation, and use per label directions, will when consumed, contain not less than the quantity of each ingredient as set forth on its label.

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

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

(h)(f) “Hemp Frozen Dessert Plant Manufacturer” means a Frozen Dessert Plant person who manufactures, processes, converts, partially freezes, or freezes any mix or frozen dessert containing Hemp or Hemp Extract for Human Consumption for distribution or sale.

(i)(g) “Hemp Substitute Milk Manufacturer” means any place, premises, or establishment where Substitute Milk containing Hemp or Hemp Extract for Human Consumption is collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed and packaged, retort processed after packaging, condensed, dried, packaged, bottled, or prepared for distribution at wholesale.

(j)(h) “Hemp Substitute Milk Product Manufacturer” means any place, premises, or establishment where Substitute Milk Products containing Hemp or Hemp Extract for Human Consumption is collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed and packaged, retort processed after packaging, condensed, dried, packaged, bottled, or prepared for distribution at wholesale.

(k) “Human Consumption” includes products intended for human Ingestion and/or human Inhalation but does not include topical applications.

(l)(i) “Ingestion” means the process of consuming Hemp or Hemp Extract taking food into the body through the mouth whether by swallowing and into the gastrointestinal or through tissue absorption tract through eating or drinking.

(m)(j) “Total delta-9 tetrahydrocannabinol concentration” means [delta-9 tetrahydrocannabinol] + (0.877 x [delta-9 tetrahydrocannabinolic acid]).

(3) No change.

(4) Requirements.

(a) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption must originate from an Approved Source. The Hemp Frozen Dessert Plant Manufacturer, Hemp Substitute Milk Manufacturer, or Hemp Substitute Milk Product Manufacturer shall provide to the department, upon request, a valid dairy or food safety license/permit and the most recent dairy or food safety inspection report from the Approved Source.

(b) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption must be stored and transported in accordance with Chapter 5K-10, F.A.C. Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption must be packaged in containers minimizing the exposure to light to prevent degradation of the Cannabinoids.

(c) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption shall not contain a Total delta-9 tetrahydrocannabinol concentration of more than 0.3%.

(5) Contaminants. In addition to the requirements listed in Chapter 502, F.S., and Rule 5K-10.004, Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption shall be considered adulterated pursuant to Section 502.181(2), F.S., if contaminants are detected at levels greater than those listed in this rule.

(a) through (f) No change.

(g) Color additives prohibited for Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption:

1. FD&C Blue No. 1
2. FD&C Blue No. 2
3. FD&C Green No. 3
4. Orange B
5. Citrus Red No. 2
6. FD&C Red No. 3
7. FD&C Red No. 40 (Allura Red)
8. FD&C Yellow No. 5
9. FD&C Yellow No. 6
10. FD&C Red No. 3
11. Cochineal extract
12. Carmine
13. Mica-based pearlescent pigments
14. Quinoline Yellow (FD&C Yellow No. 10)
15. Yellow 2G
16. FD&C Green No. 1
17. FD&C Green No. 2
18. FD&C Red No. 1
19. FD&C Red No. 2, Amaranth
20. FD&C Red No. 4, Ponceau SX
21. FD&C Violet No. 1
22. Azorubine Carmoisine
23. Ponceau 4R, Ponceau Red, Cochineal Red A
24. Patent Blue V
25. Green S
26. Brilliant Black BN, Black PN
27. Brown FK
28. Brown HT, Chocolate Brown
29. Cuttlefish Black
30. Cuttle Black
31. Alkanet (Alkane)
32. Carbon Black, Vegetable Carbon
33. Charcoal-NF XI
34. Cudbear
35. Ferric Chloride
36. Ferrous Sulfate
37. Logwood, Chip & Extract

(h) The following substances are prohibited for use in Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption when used as a color additive:

1. Annatto extract
2. Dehydrated beets (beet powder)
3. Butterfly pea flower extract
4. Calcium carbonate
5. Canthaxanthin
6. Caramel
7. β -Apo-8'-carotenal
8. β -Carotene
9. Sodium copper chlorophyllin
10. Toasted partially defatted cooked cottonseed flour

11. Ferrous gluconate
12. Ferrous lactate
13. Grape color extract
14. Grape skin extract (enocianina)
15. Synthetic iron oxide
16. Fruit juice
17. Vegetable juice
18. Carrot oil
19. Paprika
20. Paprika oleoresin
21. Riboflavin
22. Saffron
23. Soy Leghemoglobin
24. Spirulina extract
25. Titanium dioxide
26. Tomato lycopene extract
27. Tomato lycopene concentrate
28. Tumeric
29. Tumeric oleoresin

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

(6) Product, Packaging, Labeling, and Advertisement.

~~(a)~~ Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption must comply with and be packaged and be labeled in accordance with Chapter 502, F.S., Section 581.217(7), F.S., Rule 5K-4.034, F.A.C., and 21 CFR 101. The label must also contain the name and address of the manufacturer or plant. 21 CFR 101 (Revised April 1, 2019) is hereby incorporated by reference and available online at http://www.flrules.org/Gateway/reference.asp?No=Ref-11459 and by email request to the department at FoodSafety@FDACS.gov. Advertisements for Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption shall comply with Section 581.217, F.S., and Rule 5K-4.034, F.A.C.

~~(b) The serving size shall be displayed on the nutrition facts label of the product.~~

~~(c) The label and advertisement shall not contain claims indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease, rendering it a drug as defined in 21 U.S.C. 321(g)(1).~~

(7) Disposal.

(a) Laboratory samples found to contain more than a Total delta-9 tetrahydrocannabinol concentration of 0.3% shall be disposed of in accordance with 21 CFR 1317. 21 CFR 1317 (Revised April 1, 2019) is hereby incorporated by reference and

available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11460> and by email request to the department at FoodSafety@FDACS.gov.

(b) Substitute Milk, Substitute Milk Products, or Frozen Desserts containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% shall be detained pursuant to Section 502.014, F.S. Substitute Milk, Substitute Milk Products, or Frozen Desserts containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% which have been detained pursuant to Section 502.014, F.S., shall not be further subdivided or renumbered such that the integrity of the lot for identification is not maintained. The establishment shall not ~~shall not~~ dispose of the Substitute Milk, Substitute Milk Products, or Frozen Desserts in any manner until written permission for removal, use, or disposal is given by the department or a court of competent jurisdiction.

~~(c) Upon receipt of written permission by the department or a court of competent jurisdiction, the Substitute Milk, Substitute Milk Products, or Frozen Desserts shall be disposed of in accordance with the Hemp Waste Disposal Manual FDACS 08115, 10/19, incorporated in paragraph 5B-57.014(6)(b), F.A.C., or in the manner provided for by a court of competent jurisdiction.~~

(8) Penalties. ~~Violations of this rule will be evaluated, and penalties imposed in accordance with Rule 5K-10.005, F.A.C.~~

(a) Violations of this rule will be evaluated, and penalties imposed in accordance with Rule 5K-10.005, F.A.C.

(b) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption sold in violation of this rule shall be considered adulterated pursuant to subsection 502.181(2), F.S.

(c) The sale of Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp or Hemp Extract for Human Consumption to persons under the age of 21 is punishable as provided in paragraph 581.217(7)(d), F.S., and shall result in an administrative fine of \$5,000 per occurrence. Rulemaking Authority 502.014, 502.053, 570.07(23), 581.217(12) FS. Law Implemented 502.012, 502.014, 502.032, 502.042, 502.053, 502.091, 502.121, 502.165, 502.231, 581.217(7) FS. History—New 1-1-20, Amended 5-22-22,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew D. Curran, Ph.D., Director, Division of Food Safety
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Wilton Simpson, Commissioner of Agriculture
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2024
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/27/2023

COMMISSION ON ETHICS

RULE NO.:	RULE TITLE:
34-8.001	General
34-8.002	General Rules for Filing the CE Form 6 - Full and Public Disclosure of Financial Interests
34-8.008	Final Filing Using the CE Form 6F
34-8.009	Amended Filing Using the CE Form 6X
34-8.202	General Rules for Filing the CE Form 1 - Statement of Financial Interests
34-8.208	Final Filing Using the CE Form 1F
34-8.209	Amended Filing Using the CE Form 1X

PURPOSE AND EFFECT: This amendment relates to material incorporated by reference within these rules. Each rule contains instructions for how to complete a certain type of financial disclosure form (i.e., the CE Form 6 - Full and Public Disclosure of Financial Interests, the CE Form 6F- Final Full and Public Disclosure of Financial Interests, the CE Form 6X - Amendment to Full and Public Disclosure of Financial Interests, the CE Form 1 - Statement of Financial Interests, the CE Form 1F - Final Statement of Financial Interests, and the CE Form 1X - Amendment to Statement of Financial Interests). The purpose of the proposed amendments is to update, clarify, and re-adopt these instructions. The updates/clarifications are explained in the summary section of this Notice.

SUMMARY: The following changes will be made to the instructions: (1) State the possible penalty for failure to make a required disclosure is raised to \$20,000, pursuant to law (change needed on instructions for the CE Form 6, CE Form 1, CE Form 1F, and CE Form 1X); (2) Indicate that, for attorneys completing the form, if disclosure of the identity of a legal client as a primary or secondary source of income would place them in violation of confidentiality or privilege pursuant to the laws or rules governing attorneys, they may write "Legal Client" without providing further information (change needed on instructions for the CE Form 1, CE Form 1F, and CE Form 1X); (3) Update the calendar years in any dates (change needed on instructions for the CE Form 6 and CE Form 1); (4) State the "Training" section is applicable to elected local officers of independent special districts and any person appointed to fill such a vacancy (change needed on the instructions for the CE Form 6, CE Form 6X, CE Form 1, and CE Form 1X); (5) Indicate the value of real property may be determined by its market value for tax purposes (change needed for the CE Form 1, CE Form 1F, and CE Form 1X); (6) Correct any discrepancy in singular/plural noun usage (change needed for the CE Form 6 and CE Form 6F); and (7) Indicate that, during the pendency of ongoing litigation, mayors and elected members of municipal governing bodies will have to file a CE Form 1 (change needed on instructions for CE Form 6 and CE Form 6F).

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: Approximately 40,000 persons are required by law to file the CE Form 6 or CE Form 1 (and related forms) each year, depending on their positions. Other than the amount of time they expend to complete the forms, any economic impact is nominal. The Commission absorbs in its annual budget the costs of creating and maintaining the electronic filing system which is used to submit the various types of disclosure filings. 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: Art. II, Section 8, Fla. Const., 112.3144, 112.3145, 112.3147, 112.322(9), F.S.

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., 112.3144, 112.3145, 112.3147, F.S.

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

DATE AND TIME: October 25, 2024, 8:30 a.m.

PLACE: First District Court of Appeal, Third Floor Courtroom, 2000 Drayton Drive, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Diana Westberry, Office Manager, Florida Commission on Ethics (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gray Schafer, Assistant General Counsel, Florida Commission on Ethics (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.001 General.

(1) No change.

(2) As used in this chapter and as referenced in the electronic filing system created and maintained by the

Commission as provided in Section 112.31446, F.S., unless the context otherwise requires:

a. "CE Form 6 – Full and Public Disclosure of Financial Interests" means the fields of information required to complete the full and public disclosure requirements of Section 8, Art. II of the State Constitution, as set forth by the instructions available at [https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6534+\(1/2025\)+\(4/2024\)](https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6534+(1/2025)+(4/2024)).

b. "CE Form 6F – Final Full and Public Disclosure of Financial Interests" means the fields of information required to complete the final disclosure statement required by Section 112.3144(10), F.S., as set forth by the instructions available at [https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6533+\(1/2025\)+\(4/2024\)](https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6533+(1/2025)+(4/2024)).

c. "CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests" means the fields of information required on an amendment to a full and public disclosure of financial interest submitted pursuant to Section 112.3144(11), F.S., as set forth by the instructions available at [https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6535+\(1/2025\)+\(4/2024\)](https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6535+(1/2025)+(4/2024)).

d. "CE Form 1 – Statement of Financial Interests" means the fields of information required to complete the statement of financial interests requirements of s. 112.3145, Florida Statutes, as set forth by the instructions available at [https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6537+\(1/2025\)+\(4/2024\)](https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX+6537+(1/2025)+(4/2024)).

e. "CE Form 1F – Final Statement of Financial Interests" means the fields of information required to complete the final disclosure statement required by s. 112.3145(2)(b), Florida Statutes, as set forth by the instructions available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5847+\(1/2025\)+\(4/2024\)](https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5847+(1/2025)+(4/2024)).

f. "CE Form 1X – Amendment to Statement of Financial Interests" means the fields of information required on an amendment to a statement of financial interests submitted pursuant to s. 112.3145(13), Florida Statutes, as set forth by the instructions available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+6539+\(1/2025\)+\(4/2024\)](https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+6539+(1/2025)+(4/2024)).

PROPOSED EFFECTIVE DATE January 1, 2025

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3145, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144, 112.3145 FS. History—New 4-7-77, Formerly 34-8.01, Amended 8-7-94, 11-7-01, 1-1-22, 1-1-23, 1-1-24, 4-11-24, 1-1-25.

34-8.002 General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her

financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Commission. Full and public disclosure of financial interests means completing, through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., a sworn disclosure filing, identified in the system as the CE Form 6 – Full and Public Disclosure of Financial Interests, showing net worth, assets, liabilities, and sources of income. The instructions for completing the Full and Public Disclosure of Financial Interests (1/2025) ~~(4/2024)~~

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+6532>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) through (4) No change.

PROPOSED EFFECTIVE DATE January 1, 2025

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31445, 112.31446, 112.3145, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History—New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-7-01, 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24, 4-11-24, 1-1-25.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, complete and file through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be identified in the system as the CE Form 6F – Final Full and Public Disclosure of Financial Interests. The instructions for completing the Final Full and Public Disclosure of Financial Interests (1/2025) ~~(4/2024)~~, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+6534>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on

Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE January 1, 2025

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144(5) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24, 4-11-24, 1-1-25.

34-8.009 Amended Filing Using the CE Form 6X.

(1) At any time after submitting the CE Form 6 – Full and Public Disclosure of Financial Interests, a person may amend his or her original disclosure filing to add to or modify the information originally reported. Filers shall complete an amended filing through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., which will allow them to access and complete the disclosure filing identified in the system as the CE Form 6X – Amendment to the Full and Public Disclosure of Financial Interests. The instructions for completing the Amendment to the Full and Public Disclosure of Financial Interests (1/2025) ~~(4/2024)~~,

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+6536>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE January 1, 2025

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144(7) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, 1-1-21, 1-1-22, 1-1-24, 4-11-24, 1-1-25.

34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., except for those local officers specified in Section 112.3144(1)(d), F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests. A statement of financial interests means completing, through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, a disclosure filing, identified in the system as the CE Form 1 – Statement of Financial Interests. The instructions for completing the Statement of Financial Interests (1/2025)

~~(4/2024)~~,
<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+6538>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE January 1, 2025

Rulemaking Authority 112.3145, 112.31445, 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3145, 112.312(10) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24, 4-11-24, 1-1-25.

34-8.208 Final Filing Using the CE Form 1F.

(1) No change.

(2) The final filing shall be identified in the system as the CE Form 1F – Final Statement of Financial Interests. The instructions for completing the Final Statement of Financial Interests

~~(1/2025)~~

~~(1/2024)~~,

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5848>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE January 1, 2025

Rulemaking Authority 112.3145, 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24, 1-1-25.

34-8.209 Amended Filing Using the CE Form 1X.

(1) At any time after submitting the CE Form 1 – Statement of Financial Interests, a person may amend his or her original disclosure filing to add to or modify the information originally reported. Filers shall complete an amended filing through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, Florida Statutes, which will allow them to access and complete the disclosure filing identified in the system as the CE Form 1X – Amendment to Statement of Financial Interests.

The instructions for completing the Amendment to Statement of Financial Interests ~~(1/2025)~~ ~~(4/2024)~~
<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+6540>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website:

www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(2) No change.

PROPOSED EFFECTIVE DATE January 1, 2025

Rulemaking Authority 112.3145(13), 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, 1-1-21, 1-1-22, 1-1-24, 4-11-24, 1-1-25.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gray Schafer, Assistant General Counsel, Florida Commission on Ethics (850)488-7864

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kerrie J. Stillman, Executive Director, Florida Commission on Ethics

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2024

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-3.282
RULE TITLE: Medical Records Procedures for Treatment of Premature Rupture of Membranes and Other Life Threatening Conditions.

PURPOSE AND EFFECT: The Agency proposes to create a new rule requiring policies and procedures for the maintenance of medical records for the treatment of preterm premature rupture of membranes, premature rupture of membranes, ectopic pregnancies, trophoblastic tumors, and other life-threatening conditions.

SUMMARY: The Agency proposes to create a new rule requiring policies and procedures for the maintenance of medical records for the treatment of preterm premature rupture of membranes, premature rupture of membranes, ectopic pregnancies, trophoblastic tumors, and other life-threatening conditions.

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.

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: 395.1055 FS

LAW IMPLEMENTED: 395.3015, F.S.

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

DATE AND TIME: October 22, 2024, 2:00 p.m. – 3:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida, 32308, Building 3, Conference Room A

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: HCPORuleComments@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.282 Medical Records Procedures for Treatment of Premature Rupture of Membranes and Other Life Threatening Conditions.

Each hospital shall maintain written policies and procedures governing the maintenance of medical records for the treatment of preterm premature rupture of membranes, premature rupture of membranes, ectopic pregnancies, trophoblastic tumors, and other life-threatening conditions. The policies and procedures shall be reviewed at least annually, dated to indicate time of last review, and revised as necessary. At a minimum, the policies and procedures shall address the following:

(1) When a patient receives a diagnosis of preterm premature rupture of membranes or premature rupture of membranes, the patient shall be admitted for observation unless the treating physician determines that another course of action is more medically appropriate under the circumstances to ensure the health of the mother and the unborn baby. When the treating physician determines that another course of action is more medically appropriate, the physician shall document the reasons why the alternate course of action is more appropriate.

(2) When a physician attempts to induce the live birth of an unborn baby, regardless of gestational age, to treat the preterm premature rupture of membranes or premature rupture of membranes, and the unborn baby does not survive, the incident does not constitute an abortion and shall not be reported pursuant to Rule 59A-9.034. The treating physician shall document the treatment in the patient’s medical record.

(3) The treatment of an ectopic pregnancy is not an abortion and shall not be reported pursuant to Rule 59A-9.034.

The treating physician shall document the treatment in the patient’s medical record.

(4) The treatment of a trophoblastic tumor is not an abortion and shall not be reported pursuant to Rule 59A-9.034.

The treating physician shall document the treatment in the patient’s medical record.

Rulemaking Authority 395.1055 FS. Law Implemented 390.0112, 395.3015 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Plagge

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jason Weida

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 06/27/2024

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-9.034 RULE TITLE: Reports

PURPOSE AND EFFECT: The Agency proposes to amend 59A-9.034, Florida Administrative Code to clarify reporting requirements regarding the treatment of premature rupture of membranes, ectopic pregnancies, and trophoblastic tumors.

SUMMARY: The Agency proposes to amend 59A-9.034, Florida Administrative Code to clarify reporting requirements regarding the treatment of premature rupture of membranes, ectopic pregnancies, and trophoblastic tumors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. For rules listed where no SERC was prepared, the Agency prepared a checklist for each rule to determine the necessity for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 390.12 FS

LAW IMPLEMENTED: 390.0112, 390.012 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 22, 2024, from 3:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida, 32308, Building 3, Conference Room A. You may also participate by dialing the Open Voice conference line, 1(888)585-9008, then enter the conference room number followed by the pound sign, 998-518-088#. The agenda and related materials can be found on the web at: https://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Rulemaking.shtml

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: HCPORuleComments@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: HCPORuleComments@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-9.034 Reports.

(1) Pursuant to Section 390.0112, F.S., an abortion clinic and any medical facility in which abortions are performed, including a physician’s office must submit a report each month to the Agency, regardless of the number of abortions, terminations of pregnancy and regardless of method used. Monthly reports must be received by the Agency within 30 days following the preceding month. Failure to submit this report so that it is timely received by the Agency will result in an administrative fine being imposed pursuant to Section 390.0112, F.S.

(2) No Change.

(3) Each clinic shall maintain a log of all abortions, terminations of pregnancy recording the date of the procedure and period of gestation.

(4) When a physician attempts to induce the live birth of an unborn baby, regardless of gestational age, to treat the preterm premature rupture of membranes or premature rupture of membranes, and the unborn baby does not survive, the incident

does not constitute an abortion and shall not be reported pursuant to this rule.

(5) The treatment of an ectopic pregnancy shall not be considered an abortion and shall not be reported pursuant to this rule.

(6) The treatment of a trophoblastic tumor shall not be considered an abortion and shall not be reported pursuant to this rule.

Rulemaking Authority 390.012 FS. Law Implemented 390.0112, 390.012 FS. History—New 6-13-90, Formerly 10D-72.034, Amended 8-24-94, 9-25-06, 7-13-08, 5-19-16, 9-26-16, 1-16-17, 12-20-22,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jack Plagge

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jason Weida

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 27, 2024

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE NO.: RULE TITLE:

60Y-4.016 Assignment of Hearings

PURPOSE AND EFFECT: Rule 60Y-4.016 is amended to describe the Assignment of Hearings upon the filing of a Petition for Relief with the Florida Commission on Human Relations.

SUMMARY: The amendment to Rule 60Y-4.016 describes the Assignment of Hearings upon the filing of a Petition for Relief with the Florida Commission on Human Relations.

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 economic review conducted by the Agency.

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: 760.06(12), F.S.

LAW IMPLEMENTED: 760.11(6), 760.30(2), F.S.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan R. Collins, General Counsel, Florida Commission on Human Relations, 4075 Esplanade Way, Suite 110, Tallahassee, FL 32399, (850)907-6834, Juan.Collins@fchr.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-4.016 Assignment of Hearings.

(1) A hearing upon a Petition for Relief from an Unlawful Employment Practice, a Housing Discrimination Practice or a Public Accommodation Practice, pursuant to Rules 60Y-5.008, 60Y-8.001 and 60Y-10.005, F.A.C., respectively shall be conducted by an Administrative Law Judge designated by the Division of Administrative Hearings unless, prior to service of the Notice of Hearing pursuant to Rule 60Y-4.021, F.A.C., the Chairperson or Chair of the Panel designates a Commissioner as the hearing officer or directs that the hearing be conducted by the Commission or Panel, in the instance of employment and public accommodation discrimination cases in which a Notice of Determination of Reasonable Cause has been issued, or directs the hearing be conducted by an employee of the Commission, in the instance of a housing discrimination case.

(2) No change.

(3) No change.

Rulemaking Authority 760.06(12)(13), 760.11(14), 760.31(5) FS. Law Implemented 120.53, 760.03(5), 760.06, 760.11(6), 760.30(2) FS. History—New 11-2-78, Formerly 9D-8.16, Amended 2-4-82, 6-16-83, Formerly 22T-8.16, 22T-8.016, Amended 2-5-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Juan R. Collins, General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cheyanne Costilla, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2023
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 09/24/2024 (v. 50, n. 187)

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE NO.: 60Y-4.029
 RULE TITLE: Determination by Commission
 PURPOSE AND EFFECT: The amendment adds "administrative law judge" to Rule 60Y-4.029 to reflect that the Commission will consider an administrative law judge's recommended order in a determination by the Commission.

This language is consistent with F.S. 760.11(6) and the definition in Rule 60Y-3.001(15).

SUMMARY: Rule 60Y-4.029 is amended to add "administrative law judge" to reflect that the Commission will consider an administrative law judge's recommended order in a determination by the Commission. This language is consistent with F.S. 760.11(6) and the definition in Rule 60Y-3.001(15).
 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 economic review conducted by the Agency.

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: 760.06(12), F.S.

LAW IMPLEMENTED: 760.11(6), 760.30(2), F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan R. Collins, General Counsel, Florida Commission on Human Relations, 4075 Esplanade Way, Suite 110, Tallahassee, FL 32399, (850)907-6834, Juan.Collins@fchr.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-4.029 Determination by Commission.

After the issuance of the administrative law judge's or hearing officer's recommended order, if any, and following the filing of exceptions, briefs and presentation of oral argument, if any, the Commission or Panel shall consider the record and issue a written decision resolving the issues before it.

Rulemaking Authority 760.06(12)(13), 760.11(14), 760.31(5) FS. Law Implemented 120.53, ~~120.59~~, 120.54, 760.06, 760.10, 760.11(6), 760.30(2) FS. History—New 11-2-78, Formerly 9D-8.29, Amended 2-4-82, Formerly 22T-8.29, 22T-8.29, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Juan R. Collins, General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cheyanne Costilla, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2023
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 09/24/2024 (v. 50, n. 187)

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE NO.: RULE TITLE:

60Y-4.031 Notice of Appeals

PURPOSE AND EFFECT: The amendment corrects a typographical error in Rule 60Y-4.031, Notice of Appeals.

SUMMARY: The amendment corrects a typographical error in Rule 60Y-4.031, Notice of Appeals, to reference Rule 60Y-5.006 instead of Rule 60Y-4.006.

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 economic review conducted by the Agency.

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: 760.06(12), F.S.

LAW IMPLEMENTED: 760.11(6), 760.30(2), F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan R. Collins, General Counsel, Florida Commission on Human Relations, 4075 Esplanade Way, Suite 110, Tallahassee, FL 32399, (850)907-6834, Juan.Collins@fchr.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-4.031 Notice of Appeals.

When an appeal is filed in a District Court of Appeal from final Commission action or from the administrative dismissal of a complaint pursuant to Rule 60Y-~~5.006~~ 4.006, F.A.C., all persons named in the original complaint, who are not named in the appeal, shall be notified of the appeal by the Clerk.

Rulemaking Authority 760.06)(12)(13)FS. Law Implemented 120.53, 760.06, 760.10 FS. History—New 11-2-78, Formerly 22T-8.31, 22T-8.031, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Juan R. Collins, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cheyanne Costilla, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 09/24/2024 (v. 50, n. 187)

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:

64B4-3.0085 Intern Registration

PURPOSE AND EFFECT: The Board proposes a rule amendment to update and incorporate the form DH-MQA 1175, Application for Registration as a Registered Intern for Clinical Social Work, Marriage & Family Therapy or Mental Health Counseling and DH5045-MQA, Graduate-Level Practicum, Internship, or Field Experience Verification form.

SUMMARY: The proposed rule amendment updates and incorporates the form DH-MQA 1175, Application for Registration as a Registered Intern for Clinical Social Work, Marriage & Family Therapy or Mental Health Counseling and DH5045-MQA, Graduate-Level Practicum, Internship, or Field Experience Verification form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 456.013, 456.0635, 491.0045, 491.005 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: Ashleigh K. Irving, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way Bin C-08, Tallahassee, FL 32399-3258, telephone: (850)488-0595, or by electronic mail – Ashleigh.Irving@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.0085 Intern Registration.

(1) An individual who intends to practice in Florida to satisfy the post-master’s experience must register as an intern by submitting a completed application to the Board on Form DH-MQA 1175, Application for Registration as a Registered Intern for Clinical Social Work, Marriage & Family Therapy or Mental Health Counseling (Revised 08/2024 8/2020), hereby adopted and incorporated by reference, which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-_____+2733, or the web at www.floridasmentalhealthprofessions.gov/resources. The application shall be accompanied by the application fee specified in Rule 64B4-4.015, F.A.C., which is non-refundable.

(2) Through (7) No Change.

(8) Form DH5045-MQA, Graduate-Level Practicum, Internship, or Field Experience Verification Form – Marriage and Family Therapy (Revised 08/2024 2/2024), hereby adopted and incorporated by reference, which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-_____+6705, or on the web at www.floridasmentalhealthprofessions.gov/resources, must be submitted by a qualified supervisor on behalf of the Marriage and Family Therapist registered intern upon completion of the practicum, internship, or field work required for licensure when not satisfied by the individuals’ graduate program.

(9) Through (11) No Change.

Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 456.0635, 491.0045, 491.005 FS. History—New 6-8-09, Amended 2-24-10, 10-17-10, 4-4-13, 2-9-16, 6-7-16, 9-1-16, 2-27-19, 3-9-21, 9-8-21, 5-30-23, 7-11-24, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2024

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:

64B4-5.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes a rule amendment that updates and clarifies the disciplinary guidelines.

SUMMARY: The proposed rule amendment updates the penalties required in the disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 491.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ashleigh K. Irving, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way Bin C-

08, Tallahassee, FL 32399-3258, telephone: (850)488-0595, or by electronic mail – Ashleigh.Irving@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, F.S., or a telehealth provider registered under section 456.47(4), F.S., has committed any of the acts set forth in Section 456.072(1) or 491.009(1), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Through (r) No Change.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(Section 491.009(1)(r), F.S.)

	MINIMUM	MAXIMUM
LICENSEES, REGISTERED INTERNS, AND CERTIFICATE HOLDERS		
FIRST OFFENSE:	\$250.00 fine and reprimand	\$500.00 fine and <u>revocation</u> probation
SECOND OFFENSE:	\$1,000.00 fine and probation	\$1,000.00 <u>fine, revocation and</u> one (1) year suspension then probation
THIRD AND SUBSEQUENT OFFENSES:	\$1,000.00 fine and one (1) year suspension then probation	\$1,000.00 fine and permanent revocation
TELEHEALTH REGISTRANTS		
FIRST OFFENSE	Reprimand	Revocation
SECOND OFFENSE	Suspension and a corrective action plan	Revocation
THIRD AND SUBSEQUENT OFFENSES	One (1) year suspension followed by a corrective	Revocation

	action plan	
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(t) Through (ll) No Change.

(mm) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.

(Section 456.072(1)(kk), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000.00 fine, Letter of concern	\$5,000.00 fine, <u>revocation and suspension</u>
SECOND OFFENSE:	\$10,000.00 fine, reprimand	\$10,000.00 fine and permanent revocation
THIRD OFFENSE:	Permanent Revocation	
TELEHEALTH REGISTRANTS		
FIRST OFFENSE	Letter of Concern of	Suspension and a corrective action plan
SECOND OFFENSE	Reprimand	Revocation
THIRD OFFENSE	Revocation	

(nn) Through (rr) No Change.

(2) Through (4) No Change.

Rulemaking Authority 456.079, 491.004(5) FS. Law Implemented 456.072, 456.079, 491.009 FS. History—New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, 10-15-02, 3-27-05, 1-16-06, 4-6-10, 5-22-12, 12-7-17, 3-11-21, 12-8-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2024

Section III
Notice of Changes, Corrections and
Withdrawals

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:RULE TITLE:

64B16-27.410Registered Pharmacy Technician to Pharmacist Ratio

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 177, September 12, 2023 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board voted at the duly-noticed public board meeting held August 22, 2024, in Maitland, Florida, to amend the rule. A previous Notice of Change published for the rule on June 6, 2024, in the Florida Administrative Register. The rule shall now read as follows:

64B16-27.410 Guidelines for Pharmacist Supervision of More than One Registered Pharmacy Technician.

(1) through (7) No change.

(8) The determination of the applicable ~~appropriate~~ pharmacist-technician supervision ratio shall be made by the Prescription Department Manager or Consultant Pharmacist of Record. No other person, permittee, or licensee shall interfere with the exercise of the Prescription Department Manager or Consultant Pharmacist of Record’s independent professional judgment in setting the pharmacist to technician ratio(s).

Rulemaking Authority 465.005, 465.014, 465.017, 465.022 FS. Law Implemented 465.014, 465.022 FS. History—New 2-14-77, Amended 3-31-81, Formerly 21S-4.02, Amended 8-31-87, Formerly 21S-4.002, Amended 9-9-92, Formerly 21S-27.410, 61F10-27.410, Amended 1-30-96, Formerly 59X-27.410, Amended 2-23-98, 10-15-01, 1-1-10, 1-7-15, 7-6-15, 5-8-18, 1-16-19,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelly Rogers, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254; or by email at info@Floridaspharmacy.gov.

Section IV
Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:

5BER24-10 Exposed Citrus Nursery Stock

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 581.1843(2), Florida Statutes, requires all citrus nursery stock to be produced in a protective structure approved by the Department. Rule Chapter 5B-62, Florida Administrative Code, adopts the Department’s standards for those structures. Hurricane Helene has created emergency conditions jeopardizing the movement of citrus nursery stock in structures that have been compromised and impacted industry’s ability to move nursery stock.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The provisions of this rule are narrowly tailored to assist in the movement of exposed citrus nursery stock during the emergency conditions created by Hurricane Helene. Due to the emergency conditions, citrus nurseries may be forced to destroy valuable nursery stock that are needed by the industry to help replace trees damaged by the hurricane without the allowances provided by this emergency rule.

SUMMARY: This emergency rule allows for exposed citrus nursery stock to be moved into structures away from clean material and to be sold to growers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Justin Ezell, Chief, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Rd., Winter Haven, FL 33881, (863)298-3042.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5BER24-10 Exposed Citrus Nursery Stock.

(1) Any citrus nursery stock within a greenhouse that was damaged due to the impact of Hurricane Helene or otherwise exposed shall be moved from the certified greenhouse into a non-certified structure within the permitted nursery or voluntarily destroyed by the nursery by November 30, 2024. All citrus nursery stock moved into a non-certified structure must be tracked by the nursery and the tracking records shall be made available to the Department upon request.

(2) Any citrus nursery stock moved into a non-certified structure within the permitted nursery will be exempt from compliance with Rule 5B-62, F.A.C., while this rule is in effect. No new nursery stock will be permitted to be started in a house with plant material that was impacted by the storm.

(3) Any exposed citrus nursery stock with Asian Citrus Psyllid nymphs or eggs present or exhibiting visual symptoms of Asiatic Citrus Canker, shall not be moved to another greenhouse nor be sold. All remaining exposed citrus nursery stock with no Asian Citrus Psyllid nymphs and or eggs present or no visual symptoms of Asiatic Citrus Canker, sold or provided to citrus growers shall be accompanied by a written notice that the citrus nursery stock may have been exposed to citrus diseases due to Hurricane Helene.

(4) Repaired certified citrus nursery greenhouses that were damaged due to Hurricane Helene shall be cleaned and sanitized as required by Rule Chapter 5B-62, F.A.C. Upon inspection and approval by the Department, the citrus nursery may start new citrus nursery stock plantings within the greenhouse that will be subject to the full requirements of Rule Chapter 5B-62, F.A.C.

(5) Scion houses that were compromised due to the hurricane are encouraged to be restarted from Foundation material as soon as possible. However, recognizing the shortage that destroying this material could cause, the Division will require testing quarterly and continuous inspections every thirty (30) days of these trees while this rule is in effect. Rulemaking Authority 570.07(23), 581.031(1), (3), 581.1843(3) FS. Law Implemented 570.07(2), (13), 581.031(1), (14), (17), 581.1843 FS. History—New 9-26-24.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: 9/26/2024

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

RULE NO.: RULE TITLE:

5PER24-11 Appeals

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Tropical Storm Helene is expected to intensify into a large and dangerous major hurricane prior to making landfall in Florida. Due to the safety risks posed and evacuation needs required by the storm, as well as the resulting statewide disruption to normal business and governmental operations, deadlines established in rule 5P-1.002, F.A.C., must be adjusted to allow potential appellants to exercise their rights. This emergency rule will allow appellants additional time to respond

to agency action and to participate in the appeals process, while also allowing additional time for the hearing officer to conduct hearings and render final determinations.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The extended deadlines provided in the emergency rule allow appellants to exercise their rights to challenge an agency action by giving them additional time to request a hearing, to participate in a hearing, and to provide documentation to the hearing officer for consideration. The emergency rule also provides the hearing officer with additional time to issue a fair and impartial final determination on the matter appealed. However, the additional time provided by this emergency rule is not so great as to unduly delay proceedings or to impose hardships on participants.

SUMMARY: This emergency rule extends specified deadlines for appeals processes related to Child Nutrition Programs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Corinne Porcher, Senior Attorney, 600 South Calhoun St., Ste. 120, Tallahassee, FL 32399, (850)545-4987.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5PER24-11 5P-1.002 Appeals.

(1) through (3) No change.

(4) Requests for appeal must be postmarked by the U.S. Postal Service (or an equivalent private delivery service) or emailed to the department no more than ~~twenty (20) fourteen (14)~~ calendar days from the date the Notice of Action was deemed received by the Sponsors, Recipient Agencies or Food Service Management Companies. Failure to timely request an appeal shall result in the entry of a default final determination.

(5) through (6) No change.

(7) To refute the Notice of Action the Appellant may submit written documentation for review by the hearing official either with the request for appeal or the Appellant must indicate in its request for appeal that such documentation will be submitted to the hearing official within ~~fourteen (14) seven (7)~~ calendar days of the date Appellant submitted the request for appeal.

(a) The written documentation submitted by the Appellant must be postmarked by the U.S. Postal Service (or an equivalent private delivery service) or emailed to the department no more than ~~fourteen (14) seven (7)~~ calendar days from the date the Appellant's request for appeal was postmarked by the U.S. Postal Service (or an equivalent private delivery service) or emailed to the department.

(b) The department will have ~~fourteen (14) seven (7)~~ calendar days from the date the department received the Appellant's request for appeal to submit the written documentation upon which the agency action was based to the

designated hearing official.

(c) Any written documentation received after the ~~fourteen-day~~ ~~seven-day~~ deadline shall not be considered for review.

(8) No change.

(9) If a hearing is requested, it shall be held within thirty ~~(30)~~ ~~fourteen~~ ~~(14)~~ calendar days of the date the department received the request for appeal, unless otherwise agreed to by both parties. The hearing shall not be held prior to the time expiration for the submission of written documentation by both parties in accordance with subsection (7) of this rule. The Appellant shall be provided with at least five (5) calendar days' written notice, sent via certified mail, return receipt requested, of the time and place of the hearing. The hearing official shall conduct the hearing in accordance with this rule.

(a) through (c) No change.

(10) through (11) No change.

(12) Within fifteen (15) ~~five (5)~~ business days after the hearing, or within fifteen (15) ~~five (5)~~ business days after receipt of written documentation from both parties if no hearing is held, the hearing official shall issue a Final Determination based on a full review of the information provided by both parties, and on applicable program regulations. The Final Determination shall be sent to the Appellant via certified mail, return receipt requested, or email transmission to last email of record.

(13) through (16) No change.

Rulemaking Authority 570.07(23), 595.404(4), (10), (11) FS. Law Implemented 595.404 FS. History—New 3-22-66, 4-11-70, 4-19-73, Repromulgated 12-5-74, Amended 6-28-83, Formerly 6A-7.41, 6A-7.040, Amended 6-21-18, 12-16-18, 9-5-23, 9-25-24.

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

EFFECTIVE DATE: 9/25/24

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-73.001 Public Transportation

The Department of Transportation hereby gives notice: On July 5, 2024, in Volume 50, Number 131, Florida Administrative Register, a Notice of Variance for Rule 14-73.001, F.A.C., regarding Space Coast Area Transit was published. The notice of variance was published in error. The transit agency requested an extension, not a variance, to submit its Transportation Development Plan (TDP). After the agency submitted their request, Rule 14-73.001, F.A.C., was subsequently amended to

change the due date for submission of an organization's TDP from September 1 to March 1 of each year. An extension is no longer needed by this agency.

A copy of the Order or additional information may be obtained by contacting: John Ashley Peacock, Assistant General Counsel, Florida Department of Transportation, (850)414-5361, ashley.peacock@dot.state.fl.us.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

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

The Notice of Petition for Variance or Waiver was published in Vol. 50, No. 103, on May 24, 2024, in the Florida Administrative Register. The Board, at its duly noticed meeting held on July 16, 2024, granted the Petition for Variance or Waiver, finding that with documentation supplied by Petitioner, the Petitioner has achieved the purpose of the underlying statute, that is, completion of the required training course. The Board further finds that application of the rule to the specific facts and circumstances outlined by Petitioner would impose a substantial hardship on Petitioner, and would violate the principles of fairness.

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

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-22.001 General Requirements

NOTICE IS HEREBY GIVEN that on September 20, 2024, the Department of Children and Families, received a petition for variance from section 3.8.4 of the Child Care Facility Handbook ("Handbook"), which is incorporated by reference in subsection 65C-22.001(6), Florida Administrative Code, from three child care facilities operated by Kid's Town Preschool in Davenport, Florida. Section 3.8.4 of the Handbook states that, during the facility's license year, fire drills utilizing the alarm system, approved by the local fire authority, must be conducted monthly at various dates and times when children are in care.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and

Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.Clerk@myflfamilies.com.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

The Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Bronson Animal Disease Diagnostic Laboratory (BADDL) announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2024, 1:00 p.m. - 2:30 p.m.

PLACE: Online/Virtual

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODdhZTdmMTEtZGVlYi00MDM5LTlmMjctMjcxYWU0YmJiOWFm%40thread.v2/0?context=%7b%22Tid%22%3a%2262557d98-bd11-4a88-8a7b-57bc3df0190b%22%2c%22Oid%22%3a%222ea0ffb0-9a2e-44b2-ba76-a82cf3d2cf77%22%7d

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Bronson Animal Disease Diagnostic Laboratory (BADDL) advisory committee meeting.

A copy of the agenda may be obtained by contacting: Y. Reddy Bommineni DVM, PhD, DACVM, DACPV, Reddy.Bommineni@FDACS.gov, Chief, Bureau of Diagnostic Laboratory, 2700 North John Young Parkway, Kissimmee, Florida 34741, (321)697-1405 Office

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Y. Reddy Bommineni DVM, PhD, DACVM, DACPV, Reddy.Bommineni@FDACS.gov, Chief, Bureau of Diagnostic Laboratory, 2700 North John Young Parkway, Kissimmee, Florida 34741, (321)697-1405 Office. 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: Y. Reddy Bommineni DVM, PhD, DACVM, DACPV, Reddy.Bommineni@FDACS.gov, Chief, Bureau of Diagnostic Laboratory, 2700 North John Young Parkway, Kissimmee, Florida 34741, (321)697-1405 Office

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: October 1, 2024, 11:00 a.m. (virtual)

PLACE: Virtual: To register, visit <https://attendee.gotowebinar.com/register/2287162747312590687> (webinar ID: 316-627-291).

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District Seven, invites you to attend and participate in public meetings for the upcoming safety enhancement project on Alt US 19 (Bayshore Boulevard) from Wilson Street to Curlew Road, Pinellas County, Florida. Construction is anticipated to begin fall of 2025.

As part of this safety enhancement project on Alt US 19 from Wilson Street to Curlew Road, FDOT is proposing the installation of four mid-block crossings with Rectangular Rapid Flashing Beacons (RRFB) along the corridor and a raised median. These improvements would promote safety for pedestrians and all road-users in the area. The proposed safety improvement locations are as follows:

- mid-block crossing with an RRFB on Alt US 19 just north of Wilson Street,
- mid-block crossing with an RRFB on Alt US 19 near San Jose Drive,
- mid-block crossing with an RRFB on Alt US 19 just north of Mira Vista Drive,
- mid-block crossing with an RRFB on Alt US 19 just north of Duchess Boulevard,
- and a raised median installation on Alt US 19 from just north of Palm Boulevard to south of Duchess Boulevard.

To allow for maximum participation, the public meetings will be held in two formats including an online option and an in-person meeting. The information presented will be identical for both formats.

Live Online: Register at <https://attendee.gotowebinar.com/register/2287162747312590687> (webinar ID: 316- 627-291) to attend virtually on Wednesday, October 1, 2024, from 11:00 a.m. - 12:30 p.m. and view the project video, followed by an opportunity for comments and questions with the project team. Materials can be found by visiting the project website, <https://www.fdotampabay.com/project/1016/451073-1-52-1>.

This meeting was previously scheduled Wednesday, September 25, 2024, from 11:00 a.m. - 12:30 p.m. and rescheduled due to weather.

Written or emailed comments may also be submitted following the meeting to Omar.Chehab@dot.state.fl.us or mailed to Omar Chehab, P.E., Project Manager, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, FL 33612 or by phone at (813)975-6468. You may also view a copy of the presentation or make comments through the project website, <https://www.fdotampabay.com/project/1016/451073-1-52-1>. Comments received or postmarked by October 10, 2024, will be included in the official meeting record.

El Departamento de Transporte de Florida (FDOT), Distrito Siete, te invita a asistir a una reunión pública virtual para el próximo proyecto de mejora de seguridad en Alt US 19 (Bayshore Boulevard) desde Wilson Street hasta Curlew Road, en el Condado de Pinellas, Florida. La reunión pública virtual se llevará a cabo el miércoles 1 de octubre de 2024, de 11:00 a.m. - 12:30 p.m. Regístrate para asistir a la reunión virtual en <https://attendee.gotowebinar.com/register/2287162747312590687> (ID del seminario web: 316-627-291) o para ver la presentación y los materiales de la reunión pública o enviar un comentario, visita el sitio web del proyecto en <https://www.fdottampabay.com/project/1016/451073-1-52-1>. La información presentada será idéntica en ambos formatos. Si tienes preguntas o comentarios, necesitas información del proyecto en español, o deseas obtener más información sobre este proyecto, por favor contacta a nuestro representante, el Sr. Manuel Flores, al (813)975-6279 o por correo electrónico a manuel.flores@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: Omar Chehab, P.E., Project Manager, Florida Department of Transportation, Omar.Chehab@dot.state.fl.us or by phone at (813)975-6468.

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: Roger Roscoe, FDOT Title VI Coordinator, at (813)975-6411 or 1+(800)226-7220 (ex. 6411), or Roger.Roscoe@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). 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: Omar Chehab, P.E., Project Manager, at Omar.Chehab@dot.state.fl.us or by phone at (813)975-6468 or by mail to Omar Chehab, P.E., Project Manager, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, FL, 33612.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

The Board of Employee Leasing Companies announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELLED - September 26, 2024, 10:00 AM (ET)

PLACE: <https://meet.goto.com/RichardMorrison>

United States (Toll Free): 1(866)899 4679, Access Code: 371-082-229 CANCELLED

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED- General Business Meeting

A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

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

DATE AND TIME: October 15, 2024, 8:30 a.m.

PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar. Join the meeting at <https://global.gotomeeting.com/join/533378925>. Join the conference call: United States (toll-free) 1(877)309-2073, meeting ID/access code: 533-378-925.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Building Commission will review and decide on Accessibility Waiver Applications and take up other matters that appear on the Commission's agenda including Energy Compliance Software for Compliance with the Florida Building Code, 8th Edition (2023), Energy Conservation.

Other Commission business on the agenda

A copy of the agenda may be obtained by contacting: Alan Burke as set forth below or on the Commission website.

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: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or

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

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

For more information, you may contact: Alan Burke, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, or call (850)487-1824, refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF HEALTH

Board of Nursing

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

DATES AND TIMES: CANCELLED - This is a revision (cancellation) to Notice ID 28761584, published 9/16/2024 Vol. 50/181. The following meetings have been cancelled. Monday, September 30, 2024, 8:30 a.m., ET; Tuesday, October 1, 2024, 8:30 a.m., ET; Tuesday, October 1, 2024, 1:30 p.m., ET; Wednesday, October 2, 2024, 8:30 a.m., ET

PLACE: Sheraton Orlando North, 600 N Lake Destiny Road, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED Credential and Education Committee meetings; Disciplinary Hearings and General Business.

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

DEPARTMENT OF HEALTH

Division of Children's Medical Services

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

DATE AND TIME: October 3, 2024, 1:00 p.m.-5:00 p.m., Eastern Time

PLACE: PLACE: Microsoft Teams Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 232 061 415 853

Passcode: WpRj3k

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide annual report updates, data analysis updates, case review status updates, review State Committee recommendations, prevention initiatives and action planning, share CADR related resources and opportunities.

A copy of the agenda may be obtained by contacting: symone.ferguson@flhealth.gov

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

For more information, you may contact: symone.ferguson@flhealth.gov

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: CANCELLED Monday, September 30, 2024, 1:00 p.m. – 3:00 p.m., EST (Meeting Cancelled)

PLACE: CANCELLED Virtual Meeting Via Microsoft Teams

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED The Full Commission Meeting Scheduled for Monday, September 30, 2024, 1:00 p.m. – 3:00 p.m., EST has been cancelled due to anticipated impacts from Hurricane Helene.

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

For more information, you may contact: Aaron Platt at Aaron.platt@myflfamilies.com or (850)717-4331

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:

68B-8.001: Introduction and Scope

68B-8.002: Definitions

68B-8.003: General Conditions and Restrictions

68B-8.004: Application Review Process and Evaluation Criteria

68B-8.005: Third Party Contractors

68B-8.006: Scientific Research Special Activity License

68B-8.007: Education/Exhibition Special Activity License

68B-8.008: Florida Marine Science Educators Association Certification

68B-8.009: Prohibited Species Collection Criteria

68B-8.010: Stock Collection and Release Special Activity License

68B-8.011: Aquaculture Broodstock Collection Special Activity License

68B-8.012: Snook Special Activity License

68B-8.013: Non-Conforming Gear Special Activity Licenses and Exemptions

68B-8.014: Marine Chemical Special Activity License

68B-8.015: Dredge Special Activity License

68B-8.016: Commission Activities and Agreements

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

DATE AND TIME: October 10, 2024, 1:00 p.m. - 3:00 p.m., (EDT)

PLACE: Statewide webinar. More information about how to participate in the webinar will be available on the 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 (FWC) is proposing changes to rules governing the Marine Special Activity License (SAL) program and is holding a virtual public workshop to gather public input. Proposed changes under consideration include updates to eligibility requirements, license periods, and license conditions; updates to the SAL program administration process; streamlining the FWC Law Enforcement notification process; repealing the Dredge SAL; and updating the Aquaculture Broodstock Collection SAL. Staff will provide a brief presentation on proposed rule updates. Public feedback gathered during this workshop will be considered ahead of the final rule hearing.

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

The Department of Financial Services Division of State Fire Marshal announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 10, 2024, 10:00 a.m.

PLACE: GoToMeeting/Conference Call/Video; Division of State Fire Marshal, 325 John Knox Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting of the Florida Fire Safety Board

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/349424453>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1(877)309-2073

- One-touch: tel:+18773092073,,349424453#

United States: +1 (646)749-3129

- One-touch: tel:+16467493129,,349424453#

Access Code: 349-424-453

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 349 424 453

Or dial directly: 349424453@67.217.95.2 or 67.217.95.2##349424453

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

A copy of the agenda may be obtained by contacting: Ruth Ivory, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 E Gaines Street, Tallahassee, FL 32399-0342, or by calling (850)413-3643.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ruth Ivory, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 E Gaines Street, Tallahassee, FL 32399-0342, or by calling (850)413-3643. 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: Ruth Ivory, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 E Gaines Street, Tallahassee, FL 32399-0342, or by calling (850)413-3643.

DEPARTMENT OF COMMERCE

Division of Workforce Services

The Florida Department of Commerce (FloridaCommerce) announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELLED September 27, 2024, 9:00 a.m. - 12:00 noon (Cancellation)

PLACE: CANCELLED Knott Building, Room 412K, 601-631 S Duval St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED The Executive Steering Committee (ESC) meeting supporting the FL WINS Program.

Due to severe weather conditions, FloridaCommerce announces cancellation of this public meeting. This meeting

will be rescheduled for a later date in which advanced public notice will be provided.

A copy of the agenda may be obtained by contacting: The FL WINS Program Team at fl-wins@commerce.fl.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The FL WINS Program Team at (850)245-7406. 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: The FL WINS Program Team at fl-wins@commerce.fl.gov.

THE CORRADINO GROUP, INC.

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

DATE AND TIME: Tuesday, October 1, 2024, 5:00 p.m. – 7:00 p.m.

PLACE: City of Coral Springs City Hall (Everglades Room) located at 9500 W Sample Road, Coral Springs, FL, 33065

GENERAL SUBJECT MATTER TO BE CONSIDERED: 446194-1-52-01/02/03/04 and 446195-1-52-01/02

State Road (SR) 834/Sample Road Resurfacing, Restoration, and Rehabilitation (RRR) Project from

SR 817/University Drive to Belmonte Boulevard in the Cities of Coral Springs and Margate and from SR 845/Powerline Road to Military Trail in the Cities of Deerfield Beach and Pompano Beach

Project improvements consist of milling and resurfacing the existing roadway within the project limits to ensure long-term resilience; upgrading sidewalks, curb ramps, pavement markings, and signage to improve visibility and accessibility; upgrading existing pedestrian signals at the intersections of SR 834/Sample Road at Holiday Springs Boulevard and 1800 Block (Costco entrance) to improve pushbutton accessibility and pedestrian safety; and upgrading existing street light poles to LED fixtures throughout the project corridor to enhance nighttime visibility and pedestrian safety.

Construction will begin in October 2024 and is estimated to be completed in Summer 2025. The estimated cost is \$5,489,802.

A copy of the agenda may be obtained by contacting: No agenda

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: Sarely Tejada, P.E. — FDOT Construction Project Manager at Sarely.Tejada@dot.state.fl.us or (954)958-7685.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. 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: Christian Gonzalez, Community Outreach Specialist, at (786)837-4884 or by email at csgonzalez@corradino.com.

VHB

The Florida Department of Transportation (FDOT) announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 22, 2024, 9:00 a.m. - 12:30 p.m., Eastern Standard Time (EST).

PLACE: Central Florida Expressway Authority, 4974 Orl Tower Rd, Orlando, FL 32807

GENERAL SUBJECT MATTER TO BE CONSIDERED: Project Description: Florida Department of Transportation District 5 Federal Transit Administration (FTA) Section 5310/5311/5339 Grant Workshop

The Florida Department of Transportation (FDOT) District Five will host an in-person workshop that will highlight the Federal Transit Administration (FTA) Programs that provide funding under Sections 5310, 5311, and 5339. During the Open House, participants should anticipate an opportunity to listen to an in-person condensed presentation on the importance of fire suppression maintenance practices. Participants will be provided a certificate of attendance. In addition, attendees will have the opportunity to participate in a presentation focused on implementing procurement best practices. Finally, attendees will have the option to view vehicles available via Transit Research Inspection Procurement Services (TRIPS) and communicate with FDOT staff and subject matter experts in a layout similar to an exhibition.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: Jarrell Smith, FDOT In-house Consultant, at 420 W. Landstreet Road, Orlando, FL 32824 by phone at (407)982-4484 or via email at Jarrell.Smith@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: Jarrell Smith, FDOT In-House Consultant, at 420 W. Landstreet Road, Orlando, FL 32824 by phone at (407)982-4484 or via email at Jarrell.Smith@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: For more information, you may contact: Jarrell Smith, FDOT In-House Consultant at (407)982-4484 or via email at Jarrell.Smith@dot.state.fl.us.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION
 University of North Florida
 ITB# 25-04 Garage 44A Repairs
 Notice of Bid
 DEPARTMENT OF EDUCATION

University of North Florida
 ITB# 25-04 Garage 44A Repairs
 Notice of Invitation to Bid
 UNIVERSITY OF NORTH FLORIDA PROCUREMENT
 SERVICES ITB# 25-04 Garage 44A Repairs

The University of North Florida Board of Trustees, a public body corporate, is requesting the services of a qualified General Contractor or Contractors to complete garage repairs at the Fine Arts Parking Garage Annex (Garage 44A) located at 1 UNF Drive, Jacksonville, Florida 32224.

Project information
 The scope of work includes all labor and materials required to address spalling, surfaces, coatings, joints, sealants, etc. See drawings and specifications for full scope of work.

The proposed schedule for this project is:
 Advertisement September 26, 2024
 Pre-Bid meeting October 3, 2024, 1:00 p.m.
 Site Visit October 8, 2024, 10:00 a.m.
 Deadline for questions October 11, 2024, 12:00 noon
 Response to questions October 16, 2024
 Bids due October 29, 2024, 2:00 p.m.

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

Bonds & Insurance
 The University requires a Builders Risk policy for this project. Additional insurance requirements as provided in the University's Terms and Conditions and resulting contract, if any, will apply.

A Bid Security in the amount of five percent (5%) of the total contract price is required. The Contract, if over \$100,000, will require a 100% Performance and Payment Bond.

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

DEPARTMENT OF HEALTH
 CHANGE to DOH #72352100 - Pinellas CHD (Clearwater)-
 Chiller Replacement and Stairs
 ADVERTISEMENT FOR BIDS

THE FLORIDA DEPARTMENT OF HEALTH (FDOH) -
 DESIGN AND CONSTRUCTION SECTION (DCS), IS
 SOLICITING COMPETITIVE, SEALED BIDS FROM
 QUALIFIED GENERAL CONTRACTORS, LICENSED TO
 WORK IN THE JURISDICTION FOR THE PROJECT
 LISTED BELOW:

FDOH PROJECT NO: 72352100
 PROJECT NAME & LOCATION: Replacement of two roof
 mounted chillers and stair at 301 N. Myrtle Ave. Clearwater,
 Fl. 33755.

FOR: All labor, materials, equipment, supervision and permits to successfully complete the work per the construction documents.

SEALED BIDS WILL BE RECEIVED PUBLICLY, OPENED AND READ ALOUD ON: October 10, 2024 at 2:00 p.m., EST. Location: 205 Dr. Martin Luther King Jr. Street North St. Petersburg, Fl. 33755

SUBMIT SEALED BIDS TO: Jorge Navarrete at 205 Dr. Martin Luther King Jr. St. N. St. Petersburg, Fl. 33701

SUBMIT ALL QUESTIONS TO: Jorge Navarrete; jorge.navarrete@flhealth.gov; work phone:(727)820-4223 or cell phone: (727)519-8648.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the General Terms and Conditions and all Bid Documents.

BID DOCUMENTS: Full sets of drawings, specifications, proposal forms/exhibits, and addenda in electronic PDF format may be acquired from: Long & Associates Architects I Engineers, Inc. at 4525 S. Manhattan Ave. Tampa, Fl. 33611; Ed Smith, Architect; email: ed@longandassociates.com work phone: (813)839-0506 ext. 259 or cell phone: (954)240-7045.

MANDATORY PRE-BID MEETING: The Owner Representative and Architect or Engineer shall conduct a pre-bid meeting as indicated below:

Meeting Date: October 2, 2024

Meeting Time: 2:30 p.m., EST

Location: 310 N. Myrtle Ave., Clearwater, Fl. 33755

Attendance by the prime bidders (Mechanical Contractors) is mandatory. Bids shall only be accepted from firms listed on the pre-bid meeting attendance list.

PREBID SITE REVIEW: Bidders must have prior approval to review the project site. No access will be given to walk-ups. Bidders are to contact David DeSilva; email: David.Desilva@flhealth.gov work phone: (727)568-8014 to arrange for access to the project site.

BID BOND: The bidder shall enclose a certified check, cashier's check, treasurer's check, bank draft or Bid Bond in the amount of not less than five percent (5%) of the Bid, payable to the Owner as a guarantee for the purpose set out in Instructions to Bidders. (Failure to submit a bid bond will result in disqualification).

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: A Performance Bond and a Labor and Material Payment Bond are required for this project and will be issued as per Section 60D-5.004(2)(b)1c, F.A.C.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting on the DMS, Vendor Bid System website at http://vbs.dms.state.fl.us/vbs/vbs_main_menu Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security

required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, Florida Statutes for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION, DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: Under section 287.134(2) Florida Statutes, entities or affiliates who have been placed on the State of Florida's discriminatory vendor list may not submit a bid or proposal on this contract.

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Architect at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

FISH AND WILDLIFE CONSERVATION COMMISSION
HILOCHEE HYDROLOGIC RESTORATION PHASE III, IV, & V

BID NO: FWC 24/25-07C

TITLE: HILOCHEE HYDROLOGIC RESTORATION PHASE III, IV, & V

The Florida Fish and Wildlife Conservation Commission is seeking competitive pricing for Construction of Hilochee Phase III, IV, & V hydrologic restoration features, in accordance with the contract documents and Chapter 255 of the Florida Statutes. To review the bid details:

- Visit <https://vendor.myfloridamarketplace.com/>
- Select Search Advertisements.
- Enter FWC 24/25-07C into the Agency Advertisement Number box.
- Click the Search button.
- Select the solicitation to view the advertisement details.
- Download files made available in the advertisement details page.

NOTE: The MyFloridaMarketPlace Vendor Information Portal (link provided above) is the posting location for all new and changing information regarding this solicitation. Interested bidders should continue to monitor this site for the entirety of the solicitation process.

Direct all questions to the Procurement Manager:
 Dale Eastmond, Florida Fish & Wildlife Conservation Commission, 1875 ORANGE AVENUE EAST, Tallahassee, FL 32311-6160, Dale.Eastmond@MyFWC.com, (850)617-9602

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, September 19, 2024, and 3:00 p.m., Wednesday, September 25, 2024.

Rule No.	File Date	Effective Date
5BER24-10	9/25/2024	9/26/2024
5PER24-11	9/25/2024	9/25/2024
53ER24-38	9/19/2024	9/23/2024
53ER24-39	9/19/2024	9/23/2024
53ER24-40	9/19/2024	9/23/2024
53ER24-41	9/19/2024	9/23/2024
53ER24-42	9/19/2024	9/23/2024
64B3-9.009	9/20/2024	10/10/2024
64J-2.018	9/20/2024	10/10/2024
69AER24-3	9/19/2024	9/19/2024
69V-40.002	9/20/2024	10/10/2024
69V-40.0312	9/20/2024	10/10/2024
69V-40.0313	9/20/2024	10/10/2024
69V-40.176	9/20/2024	10/10/2024

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

STATE BOARD OF ADMINISTRATION

Notice of Filing of Annual Regulatory Plan

As required pursuant to Section 120.74, Florida Statutes, the State Board of Administration of Florida (“SBA”) hereby is providing notice that the SBA’s 2024-2025 Annual Regulatory Plan (“ARP”) was published on the SBA’s website on September 24, 2024. Interested parties may access the ARP on the SBA’s internet site at:

<https://www.sbafla.com/reporting/annual-regulatory-plan/>.

PUBLIC SERVICE COMMISSION

Section 120.74, F.S., 2024 Regulatory Plan

Notice is hereby given that on September 25, 2024, the Florida Public Service Commission published its 2024 Regulatory Plan on the Commission’s website pursuant to §120.74(2)(a)3., F.S. The Internet address to access the 2024 Regulatory Plan is:

<http://www.floridapsc.com/pscfiles/website-files/PDF/Publications/RegulatoryPlans/2024.pdf>

The person designated to receive all inquiries pertaining to the publication identified in this notice is: Douglas D. Sunshine, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, dsunshin@psc.state.fl.us, or (850)413-6199.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

Treasure Coast Regional Planning Council

Pursuant to Section 120.74, Florida Statutes, the Treasure Coast Regional Planning Council published its Agency Regulatory Plan for Fiscal Year 2024-2025 on its website on September 24, 2024. The Agency Regulatory Plan may be viewed on the Treasure Coast Regional Planning Council website at:

https://files.tcrpc.org/2024_Agency_Regulatory_Plan.pdf

DEPARTMENT OF CORRECTIONS

Notice of Publication of Regulatory Plan

Pursuant to section 120.74, Florida Statutes, notice is hereby given that the Florida Department of Corrections published its 2024-2025 Regulatory Plan on its website on September 24, 2024. The following hyperlink provides direct access to the regulatory plan:

<https://fdc-media.ccplatform.net/content/download/29651/file/2024-2025%20FDC%20Regulatory%20Plan%20signed.pdf>

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RECEIPT OF EXPEDITED APPLICATION

The Agency for Health Care Administration received the following CON application for expedited review:

CON #10810 Received: 9/24/2024

County: Seminole District: 7-4

Applicant/Facility/Project: SC Nursing and Rehab Center, LLC

Project Description: Transfer CON #10733 from Sabal Palm Nursing and Rehab Center, LLC to the applicant to establish a 171-bed community nursing home

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

EXEMPTION

The Agency for Health Care Administration approved the following exemption on September 23, 2024 pursuant to Section 408.036(3), Florida Statutes:

ID # E240008 District: 5-2 (Pinellas County)

Applicant/Facility/Project: CCRC OPCO Freedom Square LLC

Project Description: Consolidate 120 beds from Seminole Pavilion Health Center and 116 beds at Freedom Square Health Care Center

Proposed Project Cost: \$42,000,000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

State Plan Amendment

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for the Long-Term Care Reimbursement Plan. The amendment updates provisions as authorized in the General Appropriations Act for State Fiscal Year 2024-2025 and makes technical and editorial changes. This amendment to the State Plan will have a federal fiscal impact with an expected increase of \$8,081,828 for federal fiscal year (FFY) 2024-25 and an expected increase of \$2,693,943 for FFY 2025-26. The effective date for this amendment will be October 1, 2024.

For further information, interested parties may contact: Yndia Rutland, Medicaid Program Finance, 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407; telephone: (850)412-4111, or email: Yndia.Rutland@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

State Plan Amendment

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for the Federally Qualified Health Center (FQHC) and Rural Health Clinic (RHC) Reimbursement Plan. This amendment updates the

methodology for setting reimbursement rates for FQHCs and RHCs. This amendment to the State Plan will have a federal fiscal impact with an expected increase of \$1,948,476 in federal funds for federal fiscal year (FFY) 2023-24 and an expected increase of \$5,845,429 in federal funds for FFY 2024-25. The effective date for this amendment will be October 1, 2024.

For further information, interested parties may contact: Toriano Hatcher, Medicaid Program Finance, 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407; telephone (850)412-4116, or e-mail: toriano.hatcher@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

State Plan Amendment

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for the Long-Term Care Reimbursement Plan. The amendment updates provisions as authorized in the General Appropriations Act for State Fiscal Year 2024-2025 and makes technical and editorial changes. This amendment to the State Plan will have a federal fiscal impact with an expected increase of \$8,081,828 for federal fiscal year (FFY) 2024-25 and an expected increase of \$2,693,943 for FFY 2025-26. The effective date for this amendment will be October 1, 2024.

For further information, interested parties may contact: Yndia Rutland, Medicaid Program Finance, 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407; telephone: (850)412-4111, or email: Yndia.Rutland@ahca.myflorida.com.

DEPARTMENT OF COMMERCE

Division of Community Development

Commerce Final Order No. COM-24-040

FINAL ORDER

This matter was considered by the Florida Department of Commerce (“Department”), following receipt of an Amended Recommended Order issued by an Administrative Law Judge (“ALJ”) of the Division of Administrative Hearings (“DOAH”).

Background

This is a proceeding to determine whether the Apollo Beach Unit Six, Lots 26-54 (“Association”) failed to comply with all statutory requirements when seeking revitalization of the Association’s declaration of covenants and other governing documents. By letter dated June 23, 2023, the Department issued Determination Number 23112[1] (“Determination”), approving the proposed revitalization pursuant to Chapter 720, Part III, Florida Statutes (2023). On or about August 24, 2023, Petitioners, Richard Payton, Bruce and Mol Ky Chan, Navir Haddad, Randolph B. Carford, Barbara Frey, Colin and Debbi Harris, and Ronen Sigura (collectively, “Petitioners”), each filed a Petition for Formal Administrative Hearing (collectively, “Petitions”) with the Department. The

Department referred each petition to DOAH on September 8, 2023. On October 12, 2023, the ALJ issued an Order of Consolidation consolidating DOAH case numbers 23-3362, 23-3364, 23-3365, 23-3366, 23-3367, 23-3368, 23-3369, and 23-3370.

The final hearing was scheduled and held on December 1, 2023. The Petitioners did not offer any exhibits into evidence. The Respondent offered 16 exhibits into evidence and all 16 exhibits were admitted. After the hearing was conducted, the ALJ entered a Recommended Order on March 12, 2024, recommending the Department issue a final order disapproving the Association's request for revitalization. On June 10, 2024, the Department filed an Order of Remand because the burden of proof was placed on the Respondent instead of the Petitioners. In the Order for Remand, the Department requested that the ALJ modify the burden of proof standard contained in Paragraph 31 of the Recommended Order and reissue an updated recommended order. On July 3, 2024, DOAH issued an Amended Recommended Order[2]. No exceptions to the Recommended Order were filed with the Department.

Role of the Department

The Department previously reviewed the Association's proposed revitalization submission and entered a non-final agency determination approving revitalization of the Association's proposed declaration of covenants and other governing documents pursuant to section 720.406(2), Florida Statutes ("F.S."). The Petitioners timely filed their Petitions, which were timely referred to DOAH by the Department. After an administrative hearing, the ALJ entered an Amended Recommended Order recommending that the Department enter a final order disapproving revitalization. The Department must now determine whether or not to disapprove the revitalization and enter a final order to that effect.

Standard of Review of a Recommended Order

Pursuant to Florida's Administrative Procedure Act, an agency may not reject or modify the findings of fact in a recommended order unless the agency first determines from a review of the entire record, and states with particularity in its final order, that the findings of fact were not based upon competent, substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. § 120.57(1)(l), Fla. Stat. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. *Id.*

Absent a demonstration that the underlying administrative proceeding departed from essential requirements of the law, "[a]n ALJ's findings cannot be rejected unless there is no competent, substantial evidence from which the findings could reasonably be inferred." *Prysi v. Dep't of Health*, 823 So. 2d 823, 825 (Fla. 1st DCA 2002) (citations omitted). In determining whether challenged findings of fact are supported

by the record in accord with this standard, the agency may not reweigh the evidence or judge the credibility of witnesses, both tasks being within the sole province of the ALJ as the finder of fact. See *Heifetz v. Dep't of Bus. Reg.*, 475 So. 2d 1277, 1281-83 (Fla. 1st DCA 1985). If the evidence presented in an administrative hearing supports two inconsistent findings, it is the ALJ's role to decide the issue one way or the other. *Id.* at 1281.

The Administrative Procedure Act also specifies the manner in which the agency is to address conclusions of law in a recommended order. In its final order, the agency may only reject or modify the conclusions of law over which it has substantive jurisdiction. When rejecting or modifying a conclusion of law, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law and must make a finding that its substituted conclusion of law is as reasonable as or more reasonable than that which was rejected or modified. § 120.57(1)(1), Fla. Stat.; see also *DeWitt v. Sch. Bd. of Sarasota Cnty.*, 799 So. 2d 322, 324-25 (Fla. 2d DCA 2001).

The label assigned to a statement is not dispositive as to whether it is a finding of fact or a conclusion of law. *Stokes v. State, Bd. of Prof'l Engineers*, 952 So. 2d 1224, 1225 (Fla. 1st DCA 2007) (citing *Kinney v. Dep't of State, Div. of Licensing*, 501 So. 2d 129, 132 (Fla. 5th DCA 1987)). A conclusion of law or finding of fact should be considered as such based upon the statement itself and not the label assigned. See, e.g., *Goin v. Comm'n on Ethics*, 658 So. 2d 1131, 1137-38 (Fla. 1st DCA 1995).

Department's Review of the Recommended Order

The Department has been provided copies of the Recommended Order, the transcript of the hearing, and the evidence introduced at the final hearing. The Department received no exceptions to the Amended Recommended Order. The ALJ's findings of fact were based on competent, substantial evidence, and there is no indication the proceedings on which the findings were based did not comply with the essential requirements of the law. However, the Department has identified conclusions of law within its substantive jurisdiction for which the conclusion of law should be rejected or a substituted conclusion of law would be as reasonable as, or more reasonable than, the ALJ's conclusions in the Amended Recommended Order.

(1) – Paragraph 31 of the Amended Recommended Order

The ALJ makes a conclusion of law in Paragraph 31 of the Amended Recommended Order that the Respondent bears the burden of proving compliance with the revitalization statutory requirements. This conclusion is erroneous and must be modified. The burden of proof should be placed on the Petitioners. See, *Dep't of Transp. v. J.W.C. Co.*, 396 So. 2d 778 (Fla. 1st DCA 1981); *Stephen J. Byers and Erich Nikorowicz vs. Antiquers Aerodome, Inc.*, Case No. 18-1732 (Fla. DOAH June 19, 2019, Fla. DEO September 16, 2019); Matthew

Aldridge and Billiejo Aldridge vs. Plum Tree Homeowners Ass'n., Inc., Case No. 21-3834 (Fla. DOAH August 11, 2022, Fla. DEO November 9, 2022); and Warren Cavanaugh vs. Melrose Area Property Owners' Ass'n., Inc., Case No. 21-3618 (Fla. DOAH May 2, 2022, Fla. DEO June 6, 2022). Therefore, the conclusion of law in Paragraph 31 is modified as follows: 31. The burden of proving compliance with the statutory requirements for revitalization is on the Petitioners. Dep't of Transp. v. J.W.C. Co., 396 So. 2d 778 (Fla. 1st DCA 1981). The standard of proof is a preponderance of the evidence. §120.57(1)(j), Fla. Stat.

The Department finds the above language to be as reasonable or more reasonable than the ALJ's conclusion of law in paragraph 31 of the Amended Recommended Order.

(2) – Paragraphs 57-58, 70, and 77 of the Amended Recommended Order

In Paragraphs 57-58 of the Amended Recommended Order, the ALJ makes conclusions of law that the Respondent's revitalization was untimely. However, the ALJ's conclusions of law in Paragraphs 57-58 are erroneous. An association must submit the proposed revived governing documents and supporting materials to the Department no later than 60 days after the required documents are approved by majority of the parcel owners. See, Sunset Cove Homeowners Ass'n., Inc., vs. Dep't of Econ. Opportunity, Case No. 22-3080 (Fla. DOAH March 13, 2023; Fla. DEO June 8, 2023). In the instant case, the ALJ concluded that the Respondent did not obtain majority approval from the parcel owners. Based on the foregoing, the Respondent could not have submitted an untimely revitalization package to the Department because the 60-day time clock had not be initiated based on the Association's failure to obtain a majority approval. In addition, it appears that there is a scrivener's error in Paragraph 70. Paragraph refers to 720.406(1)(c), F.S., instead of section 720.406(1)(d), F.S. Therefore, the conclusions of law in Paragraphs 57-58 are REJECTED, and the conclusions of law in Paragraphs 70 and 77 is modified as follows:

70. Accordingly, the requirements of section 720.406(1)(d) have not been satisfied.

77. The evidence requires a determination that the requirements of sections 720.405 and 720.406, F.S., were not met as set forth above.

The Department finds the above language to be as reasonable or more reasonable than the ALJ's conclusion of law in Paragraph 77 of the Amended Recommended Order.

Remainder of the Amended Recommended Order

The Department has reviewed the remainder of the Amended Recommended Order and concludes that the findings of fact are supported by competent, substantial evidence in the record. Additionally, the Department has reviewed the conclusions of law and finds that the remaining conclusions of law within the

Department's substantive jurisdiction are reasonable. Aside, from the conclusions of law rejected or modified herein, the Department does not have any substitute conclusions of law that would be as or more reasonable than those reached by the ALJ. The Department further finds that the proceeding on which the findings of fact were based complied with the essential requirements of law.

Order

Despite the burden of proof being placed on the Respondent instead of the Petitioners, the Department finds that the Association failed to comply with the statutory requirements of Chapter 720, Part III, F.S., when seeking revitalization of the Association's expired declaration of covenants and other governing documents. Therefore, the Department finds that Determination Number 23112 is reversed, and the Association's request to revitalize its proposed declaration of covenants is DISAPPROVED. The Department adopts and incorporates the Amended Recommended Order as modified herein into the Department's final order.

/s/ James D. Stansbury

James D. Stansbury, Chief

Bureau of Community Planning and Growth
Florida Department of Commerce

NOTICE OF RIGHT TO JUDICIAL REVIEW

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION UNDER CHAPTER 120, FLORIDA STATUTES. A PARTY WHO IS ADVERSELY AFFECTED BY FINAL AGENCY ACTION IS ENTITLED TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(B)(1)(C) AND 9.110.

TO INITIATE JUDICIAL REVIEW OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL WITHIN THIRTY (30) CALENDAR DAYS AFTER THE DATE THE FINAL AGENCY ACTION WAS FILED BY THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22, FLORIDA STATUTES. A COPY OF THE NOTICE OF APPEAL MUST ALSO BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 107 EAST MADISON STREET, CALDWELL BUILDING, MSC 110, TALLAHASSEE, FLORIDA 32399-4128, AGENCY.CLERK@COMMERCE.FL.GOV.

A DOCUMENT IS FILED WHEN IT IS RECEIVED. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(A).

AN ADVERSELY AFFECTED PARTY WAIVES THE RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH BOTH THE

DEPARTMENT’S AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

NOTICE OF FILING AND SERVICE

I HEREBY CERTIFY that the above Final Order was filed with the Department’s undersigned Agency Clerk and that true and correct copies were furnished to the persons listed below in the manner described on the 25th day of September, 2024.

/s/ Karis De Gannes
 Agency Clerk, Karis De Gannes
 Florida Department of Commerce
 107 East Madison Street, MSC 110
 Tallahassee, FL 32399-4128

By Certified U.S. Mail:

- The Honorable Megan s. Silver, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060
- Bruce Chan, 941 Bunker View Drive, Apollo Beach, FL 33572
- Barbara Frey, 944 Bunker View Drive, Apollo Beach, FL 33572
- Colin Harris, 932 Bunker View Drive, Apollo Beach, FL 33572
- Ron Hunt, 938 Bunker View Drive, Apollo Beach, FL 33572
- Richard Payton, 926 Bunker View Drive, Apollo Beach, FL 33572
- Randolph B. Carford, 946 Bunker View Drive, Apollo Beach, FL 33572
- Navir Haddad, 947 Bunker View Drive, Apollo Beach, FL 33572
- Stephen P. Jones, 905 Bunker View Drive, Apollo Beach, FL 33572
- Ronen Sigura, 930 Bunker View Drive, Apollo Beach, FL 33572
- 948 Bunker View Drive, Apollo Beach, FL 33572,

DEPARTMENT OF COMMERCE
 Division of Community Development
 Commerce Final Order No. COM-24-037
 FINAL ORDER

This matter was considered by the Florida Department of Commerce (“Department”), following the receipt of a Recommended Order issued by the Presiding Officer on July 8, 2024.

Background

This is a proceeding to determine whether a proposed revived declaration of covenants for the Myakka Valley Ranches Improvement Association, Inc. (“Association”), was conducted in accordance with the requirements established by Chapter 720, Part III, of the Florida Statutes. By letter dated February 12, 2024, the Department issued Determination No. 24024 (“Determination”) denying the proposed revitalization of the restrictive covenants and other governing documents for the Association. On March 1, 2024, the Association timely filed a

challenge to the Determination. The parties agreed there were no disputed issues of material fact and the Department assigned a Presiding Officer over the matter. On July 8, 2024, the Presiding Officer issued its Recommended Order containing a recommendation that the Department issue a final order denying the Association’s request for revitalization. Neither the Association nor the Department filed exceptions to the Recommended Order.

Standard of Review of a Recommended Order

Pursuant to Florida’s Administrative Procedure Act, an agency may not reject or modify the findings of fact in a recommended order unless the agency first determines from a review of the entire record, and states with particularity in its final order, that the findings of fact were not based upon competent, substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. § 120.57(1)(l), Fla. Stat. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. *Id.*

Absent a demonstration that the underlying administrative proceeding departed from essential requirements of the law, “[a]n ALJ’s findings cannot be rejected unless there is no competent, substantial evidence from which the findings could reasonably be inferred.” *Prysi v. Dep’t of Health*, 823 So. 2d 823, 825 (Fla. 1st DCA 2002) (citations omitted). In determining whether challenged findings of fact are supported by the record in accord with this standard, the agency may not reweigh the evidence or judge the credibility of witnesses, both tasks being within the sole province of the ALJ as the finder of fact. See *Heifetz v. Dep’t of Bus. Reg.*, 475 So. 2d 1277, 1281-83 (Fla. 1st DCA 1985). If the evidence presented in an administrative hearing supports two inconsistent findings, it is the ALJ’s role to decide the issue one way or the other. *Id.* at 1281.

The Administrative Procedure Act also specifies the manner in which the agency is to address conclusions of law in a recommended order. In its final order, the agency may only reject or modify the conclusions of law over which it has substantive jurisdiction. When rejecting or modifying a conclusion of law, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law and must make a finding that its substituted conclusion of law is as reasonable as or more reasonable than that which was rejected or modified. § 120.57(1)(1), Fla. Stat.; see also *DeWitt v. Sch. Bd. of Sarasota Cnty.*, 799 So. 2d 322, 324-25 (Fla. 2d DCA 2001).

The label assigned to a statement is not dispositive as to whether it is a finding of fact or a conclusion of law. *Stokes v. State, Bd. of Prof’l Engineers*, 952 So. 2d 1224, 1225 (Fla. 1st DCA 2007) (citing *Kinney v. Dep’t of State, Div. of Licensing*, 501 So. 2d 129, 132 (Fla. 5th DCA 1987)). A conclusion of law or finding

of fact should be considered as such based upon the statement itself and not the label assigned. See, e.g., *Goin v. Comm'n on Ethics*, 658 So. 2d 1131, 1137-38 (Fla. 1st DCA 1995).

The Department's Review of the Recommended Order
 The Department has fully reviewed the Recommended Order and the record. The Department identifies no conclusion of law within its substantive jurisdiction for which a substituted conclusion of law would be as reasonable as, or more reasonable than, the Presiding Officer's conclusions in the Recommended Order. Furthermore, the Presiding Officer's findings of fact were based on competent, substantial evidence and there is no indication the proceedings on which the findings were based did not comply with the essential requirements of the law.

Order

Based on the foregoing, the Department adopts the Presiding Officer's findings of fact and conclusions of law as set forth in the Recommended Order in their entirety and incorporates said Findings of Fact and Conclusions of Law into this Final Order. The Department finds that Determination Number 24024 is affirmed, and the Association's request to revitalize its proposed declaration of covenants is DENIED.

DONE AND ORDERED in Tallahassee, Florida.

/s/ Kate Doyle

Kate Doyle, Assistant Deputy Secretary
 Division of Community Development
 Florida Department of Commerce

NOTICE OF RIGHT TO JUDICIAL REVIEW

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION UNDER CHAPTER 120, FLORIDA STATUTES. A PARTY WHO IS ADVERSELY AFFECTED BY FINAL AGENCY ACTION IS ENTITLED TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(B)(1)(C) AND 9.110.

TO INITIATE JUDICIAL REVIEW OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL WITHIN THIRTY (30) CALENDAR DAYS AFTER THE DATE THE FINAL AGENCY ACTION WAS FILED BY THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22, FLORIDA STATUTES. A COPY OF THE NOTICE OF APPEAL MUST ALSO BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 107 EAST MADISON STREET, CALDWELL BUILDING, MSC 110, TALLAHASSEE, FLORIDA 32399-4128, AGENCY.CLERK@COMMERCE.FL.GOV. A DOCUMENT IS FILED WHEN IT IS RECEIVED. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM

PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(A).

AN ADVERSELY AFFECTED PARTY WAIVES THE RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH BOTH THE DEPARTMENT'S AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

NOTICE OF FILING AND SERVICE

I HEREBY CERTIFY that the above Final Order was filed with the Commerce's undersigned Agency Clerk and that true and correct copies were furnished to the persons listed below in the manner described on the 25th day of September, 2024

/s/ Karis De Gannes

Agency Clerk
 Department of Commerce
 107 East Madison Street, MSC 110
 Tallahassee, FL 32399-4128

Copies to:

James C. Turffs, Esquire, Tannebaum, Lemole & Hill, 614 Tamiami Trail South, Osprey, FL 34229
 Ashanti D. Breeden, Esquire, Florida Department of Commerce, 107 East Madison Street, MSC 110, Tallahassee, FL 32399

FLORIDA GAMING CONTROL COMMISSION

Notice of Publication of Annual Regulatory Plan
 Pursuant to section 120.74(2), Florida Statutes, the Florida Gaming Control Commission published its 2024-2025 Annual Regulatory Plan on September 24, 2024, at the following web address:

<https://flgaming.gov/publications/>.

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.