

## Section I

### Notice of Development of Proposed Rules and Negotiated Rulemaking

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

**RULE NO.:** RULE TITLE:  
59G-4.002 Provider Reimbursement Schedules and Billing Codes

**PURPOSE AND EFFECT:** The purpose of the amendment to Rule 59G-4.002, Florida Administrative Code, (F.A.C.), is to update fee schedules and billing codes in the existing rule.

**SUBJECT AREA TO BE ADDRESSED:** Provider Reimbursement Schedules and Billing Codes.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.002, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

**RULEMAKING AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

**DATE AND TIME:** February 10, 2020 from 10:30 a.m. to 11:00 a.m.

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

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: MedicaidRuleComments@ahca.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** MedicaidRuleComments@ahca.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at [http://ahca.myflorida.com/medicaid/review/fee\\_schedules.shtml](http://ahca.myflorida.com/medicaid/review/fee_schedules.shtml). Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m., February 11, 2020. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

59G-4.002 Provider Reimbursement Schedules and Billing Codes.

(1) This rule applies to providers rendering Florida Medicaid services to recipients.

(2) Florida Medicaid reimburses for services rendered in the fee-for-service delivery system based on a fee schedule, cost report, or contract. The following fee schedules and billing codes are incorporated by reference and available on the Agency for Health Care Administration’s Web site at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

(3) Florida Medicaid Fee Schedules Effective January 1, 2020 ~~2019~~:

(a) Ambulatory Surgical Center Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10603>.

(b) Assistive Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10604>.

(c) Behavior Analysis Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

~~(d)~~(e) Behavioral Health Overlay Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10605>.

~~(e)~~(d) Birth Center Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10606>.

~~(f)~~(e) Child Health Targeted Case Management Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10607>.

~~(g)~~(f) Community-Based Substance Abuse County Match Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10608>.

~~(h)~~(g) Community Behavioral Health Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10609>.

~~(i)~~(h) County Health Department Certified Match Program Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10610>.

~~(j)~~(i) Dental General Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10611>.

~~(k)~~(j) Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10612>.  
~~(l)(k)~~ Early Intervention Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10613>.  
~~(m)(4)~~ Hearing Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10614>.  
~~(n)(m)~~ Home Health Visit Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10615>.  
~~(o)(n)~~ Independent Laboratory Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10616>.  
~~(p)(o)~~ Licensed Midwife Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10617>.  
~~(q)(p)~~ Medicaid Certified School Match Program Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10618>.  
~~(r)(q)~~ Medical Foster Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10619>.  
~~(s)(r)~~ Mental Health Targeted Case Management Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10620>.  
~~(t)(s)~~ Occupational Therapy Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10621>.  
~~(u)(t)~~ Outpatient Laboratory Fee Schedule (Formerly titled Physician and Outpatient Laboratory Fee Schedule)  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10622>.  
~~(v)(u)~~ Personal Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10623>.  
~~(v)~~ Physician Therapy Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10624>.  
(w) Physical Therapy Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10625>.  
(x) Physician Pediatric Surgery Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10626>.

~~(z)(y)~~ Practitioner Laboratory Fee Schedule (Formerly titled Physician and Outpatient Laboratory Fee Schedule)  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10627>.  
~~(aa)(z)~~ Prescribed Drugs Immunization Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10628>.  
~~(bb)(aa)~~ Prescribed Drugs Oncology Physician Administered Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10629>.  
~~(cc)(bb)~~ Prescribed Drugs Physician Administered Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10630>.  
~~(dd)(ee)~~ Prescribed Pediatric Extended Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10631>.  
~~(ee)(dd)~~ Private Duty Nursing Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10632>.  
~~(ff)(ee)~~ Radiology Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10633>.  
~~(gg)(ff)~~ Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10634>.  
~~(hh)(gg)~~ Regional Perinatal Intensive Care Center (RPICC) Obstetrical Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10635>.  
~~(ii)(hh)~~ Respiratory Therapy Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10636>.  
~~(jj)(ii)~~ Specialized Therapeutic Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10637>.  
~~(kk)(jj)~~ Speech-Language Pathology Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10638>.  
~~(ll)(kk)~~ Targeted Case Management for Children at Risk of Abuse and Neglect Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10639>.  
~~(mm)(ll)~~ Transportation Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10640>.  
~~(nn)(mm)~~ Visual Services Fee Schedule

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10641>~~

~~(4) Florida Medicaid Fee Schedules Effective January 1, 2018~~

~~Behavior Analysis Fee Schedule~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-09186>~~

~~(4)(5) Florida Medicaid Billing Codes Effective January 1, 2020 2019:~~

~~(a) County Health Department Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10642>~~

~~(b) Federally Qualified Health Center Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10643>~~

~~(c) Hospice Services Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10644>~~

~~(d) Hospital Outpatient Services Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10645>~~

~~(e) Intermediate Care Facility for Individuals with Intellectual Disabilities Services Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10646>~~

~~(f) Nursing Facility Services Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10647>~~

~~(g) Rural Health Clinic Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10648>~~

~~(h) Statewide Inpatient Psychiatric Program Services Billing Codes~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10649>~~

~~Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11, 7-16-13, 5-21-14, 6-20-16, 6-22-17, 2-8-18, 5-7-18, 1-7-19, 7-17-19, \_\_\_\_\_.~~

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

RULE NO.:       RULE TITLE:

5B-57.013       Industrial Hemp Planting Permits

PURPOSE AND EFFECT: This rulemaking is to revise provisions of the rule necessitated by amendments to Section 1004.4473, Florida Statutes.

SUMMARY: The proposed rule will revise the types of entities that are eligible to participate in the Department’s Industrial Hemp Pilot Project and to add commercialization language.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon the fact that there are no fee-based requirements placed on industry as a result of this rule edit. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 570.07(23), 581.031(4), (5), 1004.4473(2) FS.

LAW IMPLEMENTED: 581.031, 581.083, 1004.4473 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:       Bryan Benson,  
Bryan.Benson@fdacs.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 5B-57.013 Industrial Hemp ~~Pilot Project~~ Planting Permits.

(1) Pursuant to section 1004.4473, F.S., and in accordance with 7 U.S.C. Section 5940, the Department shall authorize and oversee the development of Industrial Hemp Pilot Projects (Pilot Project) for the Institute of Food and Agricultural Sciences at the University of Florida, Florida Agricultural and Mechanical University, and any Florida College System institution or state university that has an established agriculture, engineering, or pharmacy program ~~and any other land grant university in the state that has a college of agriculture~~. Section 1004.4473(2)(a), F.S., provides that the purpose of the Pilot Project is to cultivate, process, test, research, create, and market

safe and effective commercial agricultural applications for Industrial Hemp (*Cannabis sativa*), which is a potentially invasive plant species and is a threat to the plant life of this state if not properly controlled. The definitions provided in section 1004.4473, F.S., shall apply to this rule.

(2) An institution or university shall not cultivate Industrial Hemp pursuant to section 1004.4473, F.S., except under an Industrial Hemp Special Permit issued by the Department's Division of Plant Industry.

(a) An institution or university seeking an Industrial Hemp Planting Permit shall submit an Industrial Hemp Pilot Project Proposal that consists of the following information:

1. through 2. No change.

3. A list of Qualified Program Personnel and institution or university staff involved in the proposed Pilot Project, including the institution or university employee that will be designated as the lead oversight manager. The institution or university shall provide the work address, phone numbers, and email for the oversight manager. The institution or university shall also describe how it intends to meet the requirements of section 1004.4473(5)(b), F.S.

4. A description of the proposed facility location(s) by address and GPS coordinates and security measures. The institution or university shall provide a detailed aerial map of the research, cultivation, processing, and testing facility location(s), identifying research plots, limited and general access areas, buildings (with a description of the activities conducted within each), boundaries, and security measures to prevent access by unauthorized parties.

5. through 8. No change.

9. A description of how the proposed Pilot Project will maintain compliance with other applicable state and federal laws. The institution or university shall identify the applicable laws based on the design of their projects.

10. Written authorization from the institution or university's board of trustees authorizing the proposed Pilot Project.

11. If the proposed Pilot Project will be conducted on non-state owned lands, proof that the institution or university has written permission from the land owner to utilize the land for Industrial Hemp plantings for the duration of the life of the proposed Pilot Project.

12. Pursuant to section 581.083(4)(a)1., F.S., if an institution or university plans to cultivate industrial hemp in a planting greater than two contiguous acres, then the institution or university must submit proof of a bond or certificate of deposit as described in subsection 5B-57.011(3), F.A.C. The institution or university shall provide proof of each bond or certificate of deposit by submitting with the Pilot Project Proposal either the form entitled Non-Native Species Planting Bond, FDACS 08439 (Rev. 01/13), as incorporated in Rule 5B-

57.011, F.A.C., or Assignment of Certificate of Deposit for Non-Native Species Planting, FDACS 08440 (Rev. 01/13), as incorporated in Rule 5B-57.011, F.A.C., as appropriate.

13. A list of entities that the institution or university plans to collaborate with as Qualified Project Partners and a detailed description of how the entities meet the requirements set forth in section 1004.4473(1)(f), F.S., which must include the following:

a. No change.

b. Proof that the entity has access to a grow site in Florida, which may be the same grow site that the partnering institution or university plans to use for the Pilot Project, and a detailed description of how the grow site is acceptable for the cultivation, processing, and manufacturing of industrial hemp and hemp products.

c. Proof that the entity has access to a research facility in Florida, which may be the same research facility the partnering institution or university plans to use for the Pilot Project, and a detailed description of how the research facility is acceptable for the cultivation, processing, and manufacturing of industrial hemp and hemp products.

d. A copy of the comprehensive business or research plan that was submitted to the partnering institution or university.

e. No change.

(b) through (c) No change.

(3) As part of the Department's review of the Pilot Project Proposal, the Department will visit the proposed Pilot Project location(s), at a time agreed upon with the institution or university, to perform an onsite evaluation of the Environmental Containment Plan. If additional environmental containment measures are identified by the Department, the institution or university shall complete an Industrial Hemp Special Planting Permit Addendum that shall describe the additional measures to be implemented by the institution or university to ensure environmental containment of the proposed Pilot Project.

(4) If a Pilot Project Proposal meets the requirements of sections 581.083 and 1004.4473, F.S. and this rule, the Department's Division of Plant Industry will issue an Industrial Hemp Planting Permit to the institution or university.

(5) The institution or university shall notify the Department of its intent to move the Industrial Hemp to request an inspection of the transport containment apparatus. The Department shall inspect the apparatus to ensure the industrial hemp is contained for transport to its destination to prevent inadvertent spread during the transit.

(6) The institution or university Pilot Project oversight manager shall immediately notify the Department in writing if the institution or university or its Qualified Project Partner fails to meet or comply with any portion of section 1004.4473, F.S. or this rule. It is the responsibility of the property owner or

permit holder to destroy the planting prior to vacating the property or stopping production. If the Department determines any of the factors of section 581.083(4)(c), F.S., exist, the Department will issue an immediate final order requiring the immediate removal and destruction of the Pilot Project. Failure of the permit holder to remove and destroy the Industrial Hemp within 60 days of the order will result in action by the Department against the permit holder's bond or certificate of deposit as described in section 581.083(4)(d), F.S.

(7) An institution or university that has been issued an Industrial Hemp Plant Permit must possess a license to cultivate hemp issued pursuant to Rule 5B-7.014, F.A.C. before selling, distributing, or offering for sale or distribution, any hemp.  
 Rulemaking Authority 570.07(23), 581.031(4), (5), 1004.4473(2) FS. Law Implemented 581.031, 581.083, 1004.4473 FS. History—New 4-12-18,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Division Director Dr. Trevor Smith  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Nicole Fried  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2020  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 17, 2019

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NOS.:      RULE TITLES:  
 69I-72.001      Definitions  
 69I-72.002      Threshold for Recording Tangible Personal Property for Inventory Purposes  
 69I-72.003      Recording of Property  
 69I-72.007      Capitalization of Property

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to update certain definitions to agree with generally accepted accounting principles, to increase the current thresholds for recording tangible personal property inventory, to add the term “attractive items” and its definition, and to make other necessary updates to the rules.

SUMMARY: The rule amendments update definitions, add the term “attractive items” and its definition, and increase the thresholds for recording tangible personal property inventory.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s preliminary economic analysis indicated the proposed rules will not result in an adverse impact or regulatory costs in excess of \$1 million within five years.

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: 273.02, 273.025, 273.055 FS. LAW IMPLEMENTED: 273.01, 273.02, 273.025, 273.03, 273.04, 273.05, 273.055 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
 DATE AND TIME: Tuesday, February 18, 2020, 10:00 a.m.  
 PLACE: Larson Building, Room 142, 200 East Gaines Street, Tallahassee, Florida 32399

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: Ryan Nolan, Division of Accounting and Auditing, Department of Financial Services, at (850)413-3071, 200 East Gaines Street, Tallahassee, Florida 32399-0318, (850)413-3071, ryan.nolan@myfloridacfo.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Nolan (contact information above)

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-72.001 Definitions.

The following terms, as used in Rule Chapter 69I-72, F.A.C., are defined as set forth below:

(1) “Attractive Items” means tangible personal property used in operations that has a cost less than an established capitalization threshold and that requires special attention to ensure legal compliance, protect public safety, and avoid potential liability, or to compensate for a heightened risk of theft.

~~(1) “Capital Asset” means real or personal property that has a cost equal to or greater than an established capitalization threshold and has a useful life extending beyond one year.~~

~~Capital assets are reported in the statement of net assets in financial reporting.~~

(2) “Class Code” means a classification number used to commonly identify similar items of property ~~that which~~ is established by the State’s Chief Financial Officer in the State’s financial system.

(3) “Control Accounts” means summary accounts designed to control accountability for individual property records. Unlike individual property records ~~that which~~ establish accountability for particular items of property, control accounts accumulate the total cost or value of the custodian’s property and through entries to the control accounts documenting acquisitions, transfers, and dispositions, provide evidence of the change in that total cost or value over periods of time as well as the total cost or value at any point in time.

(4) “Cost” means the amount paid to acquire or procure property acquisition or procurement cost (i.e., invoice price plus freight and installation charges less discounts). In determining cost, the value of property exchanged by a custodian in satisfaction of a portion of the purchase price of new property shall not be deducted from the full purchase price regardless of any property “traded in” on the new property.

(5) “Custodian” ~~has the meaning set forth in section 273.01(1), F.S. means, without limitation, any elected or appointed State officer, board, commission or authority, or any other entity or agency entitled to lawful custody of property owned by the State.~~

(6) No change.

~~(7) “Depreciated Cost” means acquisition cost less accumulated depreciation.~~

(8) through (10) renumbered (7) through (9). No change.

~~(10)(11) “Identification Number” means a unique number assigned and affixed to each item of property to identify it as property held by the custodian and to differentiate for the purpose of differentiating one item of property from another.~~

~~(11)(12) “Property” has the meaning set forth in section 273.02, F.S. Data processing software, as defined in section 119.011(6), F.S., is not considered to be property within the meaning of this rule chapter.~~

~~(12)(13) “Unaccounted for Property” means property held by a custodian subject to the accountability provisions of section 273.03, F.S., that rule 69I-72.002, F.A.C., which cannot be physically located by the custodian or custodian’s delegate and which property has not been otherwise lawfully disposed of.~~

~~(13)(14) “Value” means the worth or acquisition fair market value at the date of acquisition for donated property.~~  
 Rulemaking Authority 273.02, 273.025 FS. Law Implemented 273.01, 273.02, 273.025, 273.03, 273.04, 273.05, ~~273.055~~ FS. History–New 1-13-08, Amended \_\_\_\_.

PROPOSED EFFECTIVE DATE: July 1, 2020

69I-72.002 Threshold for Recording Tangible Personal Property for Inventory Purposes.

All tangible personal property with a value or cost of \$5,000 ~~\$1,000~~ or more and having a projected useful life of one year or more shall be recorded in the state’s financial system as property for inventory purposes. Any hardback book with a value or cost of \$25 or more and having a useful life of one year or more that is circulated to students or the general public, and any hardback book with a value or cost of \$250 or more that is not circulated shall be recorded in the state’s financial system as property for inventory purposes. For the purpose of this rule chapter, “cost” is used if the property is purchased and represents the purchase price of the property item; “value” is used if the property is donated and represents the worth or acquisition fair market value of the property item at the date of donation. Attractive items with a value or cost of less than \$5,000 shall be recorded in the state’s financial system as property for inventory purposes.

Rulemaking Authority 273.02, ~~273.025~~ FS. Law Implemented ~~273.01, 273.02, 273.025~~ FS. History–New 1-13-08, Amended \_\_\_\_.

PROPOSED EFFECTIVE DATE: July 1, 2020

69I-72.003 Recording of Property.

(1) Maintenance of Property Records – Custodians shall maintain ~~adequate~~ records of property in their custody ~~that -The records shall~~ contain, at a minimum, the information required by this rule ~~these rules~~.

(2) Individual Records Required for Each Property Item – Each item of property shall be accounted for in a separate property record. Related individual items which constitute a single functional system may be designated as a property group item. A property group item may be accounted for in one record if the component items are separately identified within the record. Examples of property items that may be accounted for as a property group item ~~subject to group accountability include, but are not limited to:~~ modular furniture, computer components, book sets, and similar associations of items. All property group items, the total value or cost which is equal to or greater than \$5,000, ~~\$1,000~~, shall be inventoried in accordance with the requirements of this rule chapter ~~under these rules~~.

(3) Content of Individual Property Records – Each property record shall include the following information unless the information listed below does not exist for the property in the record:

(a) through (f) No change.

(g) Name, make, or manufacturer, ~~if applicable~~.

(h) Year and ~~and/or~~ model(s), ~~if applicable~~.

(i) ~~Manufacturer’s serial number(s), if any, and if an automobile, vehicle identification number (VIN) and title certificate number, if applicable.~~

(j) If an automobile, the vehicle identification number (VIN) and title certificate number.

~~(k)(j)~~ Date acquired.

~~(l)(k)~~ Cost or value at the date of acquisition for the item or the identified component parts thereof. When the historical cost of the purchased property is not practicably determinable, the estimated historical cost of the item shall be determined by ~~appropriate methods~~ and recorded. Estimated historical costs shall be so identified in the record and the basis of determination established in the custodian’s public records. The basis of valuation for property items constructed by custodian personnel shall be the costs of material, direct labor, and overhead ~~costs~~ identifiable to the project. Donated items, including federal surplus tangible personal property, shall be valued at acquisition fair market value at the date of acquisition. Regardless of acquisition method, the cost or value of a property item shall include ancillary charges, ~~necessary to place the asset into its intended location and condition for use.~~ Ancillary charges are costs include expenditures that are directly attributable to ~~asset acquisition and placing the asset into its intended location and condition for use, in service,~~ such as freight and transportation charges, site preparation costs, and professional fees.

(l) through (o) re-designated (m) through (p) No change.

~~(p) Any other information on the individual property record that the custodian may care to include.~~

(4) Control Accounts – A custodian-wide control account showing the total cost or value of the custodian’s property shall be maintained. A custodian may keep additional control accounts for property ~~to the extent deemed necessary~~ for different funds and sub-funds. Control totals may not be established by periodically summarizing the costs or values recorded on the individual property records. ~~Rather, Entries~~ to control accounts shall be derived from documents evidencing transactions resulting from the acquisition, transfer, or disposition of property items and shall be posted contemporaneously with entries to the individual property records.

(5) No change.

Rulemaking Authority 273.02, 273.025, 273.055 FS. Law Implemented 273.02, 273.025, 273.04, 273.055 FS. History–New 1-13-08, Amended.

PROPOSED EFFECTIVE DATE: July 1, 2020

69I-72.007 Capitalization of Property.

For statewide financial reporting purposes, all tangible personal property with a value or cost of \$5,000 ~~\$1,000~~ or more and having a projected useful life of one year or more must be

capitalized. Any hardback book with a value or cost of \$25 or more and having a useful life of one year or more that is circulated to students or the general public; and any hardback book with a value or cost of \$250 or more that is not circulated must be capitalized. Attractive items must not be capitalized for statewide financial reporting purposes.

Rulemaking Authority 273.025 FS. Law Implemented 273.025 FS. History–New 1-13-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ryan Nolan, Division of Accounting and Auditing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: CFO Jimmy Patronis

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 10, 2020

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NOS.: RULE TITLES:

- 69I-73.001 Definitions.
- 69I-73.002 Threshold for Recording Property.
- 69I-73.003 Recording of Property.

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to update certain definitions to agree with generally accepted accounting principles, to increase the current thresholds for recording tangible personal property inventory, to add the term “attractive items” and its definition, and to make other necessary updates to the rules.

SUMMARY: The rule amendments update definitions, add the term “attractive items” and its definition, and increase the thresholds for recording tangible personal property inventory.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s preliminary economic analysis indicated the proposed rules will not result in an adverse impact or regulatory costs in excess of \$1 million within five years.

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: 274.02 FS.

LAW IMPLEMENTED: 274.02 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 18, 2020, 11:00 a.m.

PLACE: Larson Building, Room 142, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Nolan (contact information above)

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-73.001 Definitions.

The following terms, as used in Rule Chapter 69I-73, F.A.C., are defined as set forth below:

(1) “Attractive Items” means tangible personal property used in operations that has a cost less than an established capitalization threshold and that requires special attention to ensure legal compliance, protect public safety, and avoid potential liability, or to compensate for a heightened risk of theft.

(2)(4) “Control Accounts” means summary accounts designed to control accountability for individual property records. Unlike individual property records that which establish accountability for particular items of property, control accounts accumulate the total cost or value of the custodian’s property and, through entries to the control accounts documenting acquisitions, transfers and dispositions, provide evidence of the change in that total cost or value over periods of time as well as the total cost or value at any time.

(3)(2) “Cost” means the amount paid to acquire or procure property acquisition or procurement cost (i.e., invoice price plus freight and installation charges less discounts). In determining cost, the value of property exchanged by the custodian in satisfaction of a portion of the purchase price of new property shall not be deducted from the full purchase price regardless of any property “traded in” on the new property.

(4)(3) “Custodian” has the meaning set forth in section 274.01(2), F.S.

(5)(4) “Custodian’s Delegate” means a person acting under the supervision of the custodian to whom the custody of property has been delegated by the custodian and, from whom the custodian receives custody receipts.

(5) “Data Processing Software” has the meaning set forth in section 119.011(6), F.S. Data processing software is not considered to be property within the meaning of these rules.

(6) “Depreciated Cost” means cost less accumulated depreciation.

(6)(7) “Financial System” means the fund accounting process used by the local government for recording cash and other financial resources, expenditures, and other financial uses, together with all related liabilities and residual equities or balances.

(8) “Fiscal Year” means the governmental unit’s fiscal year established pursuant to law.

(9) renumbered to (7). No change.

(8)(10) “Identification Number” means a unique number assigned and affixed to each item of property to identify it as property held by the custodian and to differentiate for the purpose of differentiating one item of property from another.

(9)(11) “Property” has the meaning set forth in section 274.02(1), F.S. Data processing software, as defined in section 119.011(6), F.S., is not considered to be property within the meaning of this rule chapter.

(10)(12) “Unaccounted for Property” means property held by a custodian, subject to the accountability provisions of section 274.03, F.S., that which cannot be physically located by the custodian or custodian’s delegate, and which property has not been otherwise lawfully disposed of.

(11)(13) “Value” means the worth or acquisition fair market value at the date of acquisition acquisitions for donated property.

Rulemaking Authority 274.02 FS. Law Implemented 274.01, 274.02 FS. History—New 3-25-08, Amended \_\_\_\_\_.

PROPOSED EFFECTIVE DATE: October 1, 2020

69I-73.002 Threshold for Recording Property.

All property with a value or cost of \$5,000 \$1,000 or more and a projected useful life of 1 year or more shall be recorded in the local government’s financial system as property for inventory purposes. For the purpose of this rule chapter, “cost” is used if the property is purchased and represents the purchase price of the property item; “value” is used if the property is donated and represents the worth or acquisition value of the property item at the date of donation. Attractive items with a value or cost less than \$5,000 shall be recorded in the local government’s financial system as property for inventory purposes.

Rulemaking Authority 274.02 FS. Law Implemented 274.02 FS. History—New 3-25-08, Amended \_\_\_\_\_.

PROPOSED EFFECTIVE DATE: October 1, 2020

69I-73.003 Recording of Property.

(1) Maintenance of Property Records – Governmental units shall maintain adequate records of property in their custody that ~~The records shall contain,~~ at a minimum, the information required by this rule these rules.

(2) Individual Records Required for Each Property Item – Each item of property shall be accounted for in a separate property record. Related individual items which constitute a single functional system may be designated as a property group.

A property group may be accounted for in one record if the component items are separately identified within the record. Examples of property items that may be accounted for as a property group item subject to group accountability include, ~~but are not limited to,~~ modular furniture, computer components, book sets, and similar association of items. All property group items, the total value or cost of which is equal to or greater than ~~\$5,000, \$1,000~~ shall be inventoried under this rule.

(3) Content of Individual Property Records – Each property record shall include the following information unless the information listed below does not exist for the property in the record:

- (a) through (e) No change.
- (f) Name, make, or manufacturer ~~if applicable.~~
- (g) Year ~~and and/or~~ model(s) ~~if applicable.~~
- (h) Manufacturer’s serial number(s) ~~if any, and if an automobile, vehicle identification number (VIN) and title certificate number if applicable.~~
- (i) If an automobile, the vehicle identification number (VIN) and title certificate number.

~~(j)(i)~~ Date acquired.

~~(k)(j)~~ Cost or value at the date of acquisition for the item or the identified component parts thereof. When the historical cost of the purchased property is not practicably determinable, the estimated historical cost of the item shall be determined ~~by appropriate methods~~ and recorded. Estimated historical costs shall be identified in the record and the basis of determination established in the governmental unit’s public records. The basis of valuation for property items constructed by personnel of the governmental unit shall be the costs of material, direct labor, and overhead ~~costs~~ identifiable to the project. Donated items, including federal surplus tangible personal property, shall be valued at acquisition fair market value at the date of acquisition. Regardless of acquisition method, the cost or value of a property item shall include ancillary charges, ~~necessary to place the asset into its intended location and condition for use.~~ Ancillary charges are costs include expenditures that are directly attributable to placing the asset into its intended location and condition for use ~~asset acquisition~~, such as freight and transportation charges, installation costs, and professional fees.

(k) through (m) re-designated (l) through (n). No change.

~~(n) The local government may include any other information on the individual property record that the governmental unit may care to include.~~

(4) Control Accounts – A governmental unit-wide control account showing the total cost or value of the custodian’s property shall be maintained. A governmental unit may keep additional control accounts for property ~~to the extent deemed necessary~~ for different funds or sub-funds. Control accounts shall not be established by periodically summarizing the costs

or values recorded on the individual property records. ~~Rather,~~ Entries to control accounts shall be derived from documents evidencing transactions affecting the acquisition, transfer, or disposition of property items and shall be posted contemporaneously with entries to the individual property records.

(5) No change.

Rulemaking Authority 274.02 FS. Law Implemented 274.02 FS. History–New 3-25-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Ryan Nolan, Division of Accounting and Auditing  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: CFO Jimmy Patronis  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2020  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 10, 2020

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

#### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.250      RULE TITLE: Specialized Programs Institutions  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 46 No. 12, January 17, 2020 issue of the Florida Administrative Register.

Section 120.54(3)(a)1., F.S., requires a Notice of Proposed Rule to include “a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3).” The Department determined that a SERC was not required for this rule. Therefore, the notice should have included a statement regarding what information was relied upon in reaching that conclusion. A Notice of Correction related to the proposed rule was published on January 21, 2020. That notice was incorrect and is hereby withdrawn.

The proposed rule is hereby corrected to substitute the following language:

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

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within

one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC was required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there would be any adverse impact or regulatory cost associated with this rule that exceeds the stated criteria. Upon review of the proposed rulemaking, the Department determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

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.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: RULE TITLE:  
64B9-4.001 Definitions

**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. 45 No. 105, May 30, 2019 issue of the Florida Administrative Register.

The Board received written comments from the Joint Administrative Procedures Committee and based upon those comments, the Board, at its meeting held on October 4, 2019, voted to change the rule.

**THE TEXT OF THE PROPOSED RULE WILL NOW READ:**

64B9-4.001 Definitions.

(1) Advanced Practice Registered Nurse (“APRN”) – a Registered Nurse licensed under Section 464.008 or 464.009, F.S. ~~and duly certified by the Board~~ pursuant to Section 464.012(1)(a), F.S.

(2) through (5) No change.

~~(6) Category one of the three statutorily defined types of APRN certification, which are nurse practitioner, certified nurse midwife, and certified registered nurse anesthetist.~~

(7) through (15) renumbered (6) through (14) No change.

Rulemaking Authority 464.006, 464.012 FS. Law Implemented 464.003(3), 464.012 FS. History—New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.20, 21O-11.020, 61F7-4.001, Amended 5-29-96, Formerly 59S-4.001, Amended 4-5-00,

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; Joe.Baker@flhealth.gov.

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE NO.: RULE TITLE:  
53ER20-7 Triple Cash Promotion

SUMMARY: This emergency rule describes the Triple Cash Promotion in which players who purchase a ticket of any price point from the PICK Daily Games™, Fantasy 5® or CASH4LIFE® games can earn entries into a drawing for a chance to win cash prizes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

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

53ER20-7 Triple Cash Promotion.

(1) Beginning January 27, 2020, and continuing through February 28, 2020, (“Promotion Period”) the Florida Lottery will conduct the Triple Cash Promotion (“Promotion”). Players who purchase a PICK 2™, PICK 3™,

PICK 4™, PICK 5™ (collectively PICK Daily Games™), FANTASY 5® or CASH4LIFE® ticket of any price point can scan the barcode on their tickets using the Florida Lottery Collect ‘N Win app on a smartphone or tablet or can manually enter the ticket number through the Florida Lottery’s website (flalottery.com) to collect symbols and earn entries into a drawing for a chance to win cash prizes and cash prize coupons. Both winning and non-winning tickets of any value from the above-mentioned six qualifying games that are purchased during the Promotion Period may be used to enter the Promotion.

(2) How to Participate.

(a) Florida Lottery Collect ‘N Win App Download and Registration. A player may participate in the Promotion by downloading the free Florida Lottery Collect ‘N Win app at the App Store for iOS devices, or for other devices including Android smartphones, the app is available to download from the Florida Lottery’s website at flalottery.com/triplecash. After the app is downloaded and opened, the “Welcome” page will be displayed. Click on the navigation bar found in the top left corner, select the “Login” button and click on “Sign in with email,” “Sign in with Facebook,” or “Sign in with Twitter” to log in. After logging in, a “Register” page will be displayed. Players must register their contact information one time upon first usage to activate their account. A player will be sent an email directing the player to confirm his or her registration. The player should check the junk mail or spam folder if he or she

does not promptly receive an email confirmation. After confirming registration, a player may log in. Thereafter, the player may directly log in by selecting his or her preferred “Sign in” method. Players that have participated in a previous Florida Lottery Collect ‘N Win Promotion need not re-register and may directly log in.

(b) Web Browser. A player may participate in the Promotion via web browser by visiting the Florida Lottery’s homepage, flalottery.com, clicking on the Triple Cash Promotion banner and following the directions, or by going directly to flalottery.com/triplecash and clicking on the Register/Login link at the top right corner of the page to reach the Login page to register and/or login as described above.

(c) Regardless of whether a player chooses to participate in the Promotion by smartphone, tablet or web browser the following provisions shall apply:

1. the player may use the same account login information to enter tickets;
2. the player will only be required to register one time; and
3. the player’s entry history will be cumulative among the entry platforms.

(3) How to Earn Entries. To collect play symbols and earn entries into the drawing, players using a smartphone or tablet may either scan the barcode on the bottom of a ticket or may manually enter the 19-digit ticket number (located near the bottom of the ticket) on the ticket entry page. Players using the website may manually enter the 19-digit ticket number on the ticket entry page at flalottery.com/triplecash. Four game cards will appear on the screen. Each game card contains four spots to collect the four symbols. A qualifying game ticket number entered will randomly generate a quantity (2, 4, 6, 8, or 10) of symbols and place them automatically in an available game card. When all four symbols have been collected on a game card, the player will earn one entry into the drawing. The number of tickets needed to generate one entry can range from one ticket entered up to a maximum of seven tickets entered. When a filled game card generates an entry into the drawing, the symbols will be cleared on that game card, and a player can begin collecting more symbols. A player may earn multiple entries during the entry period; however, a player may only manually enter or scan up to two hundred tickets per day. Each ticket number can only be scanned or entered one time to earn entries. The purchase price of a ticket does not affect the number of symbols generated or the number of entries produced. Entries that include training tickets that were produced by a retailer terminal while in training mode or tickets with invalid ticket numbers will be disqualified from the drawing. The odds of winning depend on the number of entries in the drawing. All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. Lottery tickets should not be mailed

to the Lottery for entry into the Promotion drawing. Lottery tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(4) Coupons. During the Promotion Period, a total of three thousand cash prize coupons will be generated for every “nth” ticket scanned or entered up to approximately ninety coupons per day. When an nth ticket is generated, a coupon will be added to the “My Coupons” section of the “Coupons” page of the player’s account. One thousand each of \$10, \$15, and \$25 cash prize coupons will be randomly generated during the Promotion. Coupons may be redeemed by players at a Florida Lottery retailer or a Florida Lottery District Office by presenting the coupon barcode on their mobile device for scanning, or players may redeem the coupon by printing the coupon from the website and presenting a hardcopy. Coupons may not be redeemed by mail. Coupons are valid for one use only and must be redeemed by 11:59:59 ET on April 30, 2020. The odds of winning a coupon depend on the number of tickets entered per day.

(5) Drawing and Number of Prizes. The Florida Lottery will conduct one drawing in the Promotion on March 4, 2020. Prizewinners for the drawing will be randomly selected from entries earned, submitted and received before midnight ET on February 28, 2020. Prizewinners will be randomly selected using a certified random number generation process. The drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The drawing date and entry period is as follows:

<u>NUMBER OF DRAWINGS</u>	<u>DRAWING DATE</u>	<u>ENTRY PERIOD</u>
<u>1</u>	<u>March 4, 2020</u>	<u>January 27, 2020 – February 28, 2020</u>

<u>PRIZE</u>	<u>PRIZE AMOUNT</u>	<u>NUMBER OF PRIZES</u>
<u>Top Prize</u>	<u>\$25,000</u>	<u>1</u>
<u>Second Prize</u>	<u>\$10,000</u>	<u>5</u>
<u>Third Prize</u>	<u>\$5,000</u>	<u>20</u>
<u>Fourth Prize</u>	<u>\$1,000</u>	<u>50</u>
<u>Fifth Prize</u>	<u>\$500</u>	<u>150</u>
<u>TOTAL</u>		<u>226</u>

In the drawing, the Florida Lottery will select a total of 276 entries. The first valid entry drawn will win a top prize of \$25,000. The second through sixth valid entries drawn will win a second prize of \$10,000. The seventh through twenty-sixth valid entries drawn will win a third prize of \$5,000. The twenty-seventh through seventy-sixth valid entries drawn will win a

fourth prize of \$1,000. The seventy-seventh through two hundred twenty-sixth valid entries drawn will win a fifth prize of \$500. The two hundred twenty-seventh through the remaining valid entries drawn will be alternates and used in the order in which they were drawn and in the order of need to select an alternate prizewinner in the event a prizewinner cannot be notified as set forth in subsection (6) below, or fails to timely provide required claim documentation as set forth in subsection (7) below. A total of 226 prizes will be available.

(6) Prizewinner Notification.

(a) The prizewinners in the drawing will be announced and posted on flalottery.com on March 9, 2020, or as soon thereafter as practicable.

(b) The Florida Lottery will attempt to notify each prizewinner by telephone or email using the contact information provided in the prizewinner's registration data no later than one business day after the prizewinners are posted on the Florida Lottery's website. The Florida Lottery deems the prizewinner's registration data as the prizewinner's official contact information, including the physical mailing address. The Florida Lottery will not attempt to further locate a prizewinner if attempts to reach the prizewinner by telephone or email are unsuccessful. If the Florida Lottery is unable to have contact by telephone or email with a prizewinner within seven business days of the date the prizewinners are posted on the website, the prizewinner will forfeit his or her right to claim the prize and the Florida Lottery will select an alternate prizewinner in accordance with subsection (5) above. If the Florida Lottery is unable to have contact by email or telephone with the alternate prizewinner within seven business days of the date of notification, the alternate prizewinner will forfeit his or her right to claim the prize and the Florida Lottery will select the next alternate prizewinner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of alternates due to unsuccessful notification attempts or due to failure by a prizewinner or an alternate prizewinner to timely provide required claim documentation as set forth in subsection (7) below. If the Florida Lottery exhausts the list of alternate prizewinners, the prize will not be awarded.

(7) How to Claim a Prize.

(a) To claim a top, second, third or fourth prize in the drawing, a prizewinner must submit to the Florida Lottery a completed Winner Claim Form DOL-173-2, Revised 9/13, or Spanish Winner Claim Form DOL-173-2S, Revised 9/13, and a copy of acceptable identification as set forth in the rule of the Florida Lottery governing payment of prizes. A copy of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. Forms DOL-173-2 and DOL-173-2S are hereby incorporated by reference and can be obtained from any Florida Lottery office or retailer, from the

Florida Lottery's website, flalottery.com, from flalottery.com/triplecash or by writing to: Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The required documents must be received by the Florida Lottery no later than fourteen business days after the Florida Lottery has first made contact by telephone or email with the prizewinner. If the Florida Lottery does not receive the required documents from a prizewinner by the fourteenth business day after notification, the prizewinner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate prizewinner as described in subsections (5) and (6), above. The same timeframe for a prizewinner to return required documentation to the Florida Lottery shall apply to an alternate prizewinner.

(b) To claim a fifth prize in the drawing, a prizewinner must submit to the Florida Lottery a copy of acceptable identification as set forth in the rule of the Florida Lottery governing payment of prizes. The same timeframes for prizewinners and alternate prizewinners that are set forth in paragraph (7)(a) above, shall apply to a fifth prize winner or an alternate fifth prize winner.

(c) A prizewinner in this Promotion is not required to submit the PICK Daily Games™, FANTASY 5® or CASH4LIFE® ticket(s) he or she scanned or manually entered to generate an entry to claim a prize.

(d) The risk of mailing any required documentation for claiming a prize remains with the player.

(8) Award of Prizes.

(a) Top Prize. Upon the Florida Lottery's timely receipt of a top prize winner's required documentation, the Florida Lottery will award a top prize of \$25,000, less applicable federal income tax withholding.

(b) Second Prize. Upon the Florida Lottery's timely receipt of a second prize winner's required documentation, the Florida Lottery will award a second prize of \$10,000, less applicable federal income tax withholding.

(c) Third Prize. Upon the Florida Lottery's timely receipt of a third prize winner's required documentation, the Florida Lottery will award a third prize of \$5,000.

(d) Fourth Prize. Upon the Florida Lottery's timely receipt of a fourth prize winner's required documentation, the Florida Lottery will award a fourth prize of \$1,000.

(e) Fifth Prize. Upon the Florida Lottery's timely receipt of a fifth prize winner's required documentation, the Florida Lottery will award a fifth prize of \$500.

(9) Taxes. Except as specifically described herein, all federal, state and/or local taxes or other fees on the prizes won in the Triple Cash Promotion will be the responsibility of the prizewinner. Thirty percent federal income tax withholding will be withheld from any prize won by a nonresident alien prizewinner in the Promotion, regardless of the amount of the

prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien prizewinner.

(10) Other Restrictions and Provisions.

(a) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Prizes shall be paid in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(b) All prizewinners will be analyzed for state-owed debt. If a prizewinner is identified as owing an outstanding debt to any state agency or owes child support collected through a court, the debt will be offset in accordance with section 24.115(4), Florida Statutes. If the debt is an amount less than the amount of the prize, the balance of the prize after deduction of the debt shall be awarded. If the debt is an amount greater than the amount of the prize, the entire prize amount will be applied to the outstanding debt.

(c) Players must be at least 18 years of age. Persons prohibited by section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to enter the Triple Cash Promotion.

(d) By entering the Triple Cash Promotion, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

Rulemaking Authority 24.105(9), 24.109(1), FS. Law Implemented 24.105(9), 24.115(1) FS. History – New 1-23-20.

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: January 23, 2020.

**DEPARTMENT OF THE LOTTERY**

RULE NO.: RULE TITLE:  
53ER20-8 Triple Cash Retailer Promotion  
SUMMARY: The rule sets forth the provisions for the Triple Cash Retailer Promotion which will take place January 27, 2020 through February 28, 2020.  
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott, Tallahassee, Florida 32301.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER20-8 Triple Cash Retailer Promotion.

(1) Beginning January 27, 2020 through February 28, 2020, (“Promotion Period”) the Florida Lottery will conduct the Triple Cash Retailer Promotion.

(2) During the Promotion Period, for every \$10 in PICK 2™, PICK 3™, PICK4™, PICK 5™, FANTASY 5® and CASH4LIFE® combined daily game sales, Florida Lottery retailers will earn one entry into a retailer drawing for a chance to win \$2,000. Additionally, retailers will earn one bonus entry for every \$10 in FANTASY 5 sales.

(3) Drawings and Prizes. Eighteen retailer drawings will be held on March 4, 2020; two drawings per district

(one corporate and one independent) in each of nine Districts. Drawings will be conducted by the Florida Lottery using a certified random number generation process. The number of entries drawn and prizes awarded will be in accordance with the following table:

<u>Lottery Sales District</u>	<u>Prize Per Winning Retailer</u>	<u>Number of Corporate Retailer Prizes</u>	<u>Number of Independent Retailer Prizes</u>	<u>Total Retailer Prizes</u>	<u>District Prize Total</u>
<u>District 1- Tallahassee</u>	<u>\$2,000</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>\$20,000</u>
<u>District 3- Pensacola</u>	<u>\$2,000</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>\$20,000</u>
<u>District 4- Jacksonville</u>	<u>\$2,000</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>\$20,000</u>
<u>District 5- Gainesville</u>	<u>\$2,000</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>\$20,000</u>
<u>District 6- Orlando</u>	<u>\$2,000</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>\$40,000</u>
<u>District 9- Tampa</u>	<u>\$2,000</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>\$40,000</u>
<u>District 10- Ft. Myers</u>	<u>\$2,000</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>\$20,000</u>
<u>District 11- West Palm Bch.</u>	<u>\$2,000</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>\$20,000</u>
<u>District 13- Miami</u>	<u>\$2,000</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>\$60,000</u>
<u>Promotion Totals</u>		<u>60</u>	<u>70</u>	<u>130</u>	<u>\$260,000</u>

An individual retailer location may only win once. Alternate entries will be drawn in each drawing. The number of alternate entries drawn will be twice the number of prizes to be awarded in that drawing. Alternate entries will be used as needed in the order in which they are drawn to award a prize in the event a retailer’s entry is disqualified. Retailers will be subject to disqualification if the Florida Lottery determines that:

(a) the retailer has already been awarded a prize in that drawing;

(b) the retailer is not in good financial standing with the Florida Lottery at the time of prize payment; or

(c) the retailer is not in an “active” retailer status at the time of prize payment.

(4) A promotional prize will be considered compensation to the retailer and will be reported to the Internal Revenue Service by the Florida Lottery.  
Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History-New 1-23-20.

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: January 23, 2020.

**DEPARTMENT OF THE LOTTERY**

RULE NO.: RULE TITLE:  
 53ER20-9 Retailer Responsibilities  
 SUMMARY: This emergency rule sets forth the provisions relating to the responsibilities of Florida Lottery retailers and modifies and clarifies provisions of Rule 53ER19-25. This emergency rule replaces Emergency Rule 53ER19-25, F.A.C. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER20-9 Retailer Responsibilities.

(1) The Florida Lottery (“Lottery”) shall contract with specified retailers to sell lottery tickets.

(2) Except as otherwise specified herein, the term “equipment” shall be inclusive of communications equipment (inside and outside), terminal related peripherals, jackpot signs, play stations, vending machine equipment, and any other Lottery property. All equipment provided to the retailer by the Lottery or its vendors shall remain the property of the Lottery or its vendors, and retailers shall acquire no interest whatsoever in the equipment.

(3) Terminal.

(a) Prior to activation of a terminal, a retailer shall complete training relating to operation of the terminal, sale of lottery products, accounting procedures, ticket inventory control, responsible gaming and retailer responsibilities. Once the training is verified and the terminal is activated, the retailer shall operate the terminal and sell lottery products in accordance with the training.

(b) Retailers shall be responsible for meeting the following terminal installation requirements:

1. If landlord approval is necessary for Lottery terminal installation, it is the retailer’s responsibility to obtain such approval from the landlord in advance of the site survey and terminal installation. Landlord approval shall be obtained by the completion of Form DOL-468, Effective 11/18, Landlord

Approval for the Installation of Lottery Gaming Communications Equipment. Form DOL-468 is hereby incorporated by reference and may be obtained from the Florida Lottery’s website at flalottery.com.

2. Retailers shall provide:

a. access for the initial site survey and, if applicable, access for installation of outside communications equipment and running of necessary cables;

b. electrical circuitry for terminal and peripherals;

c. counterspace for the terminal and peripherals;

d. exterior building space for outside communications equipment, if applicable;

e. conduit, if applicable; and

f. any other components determined to be necessary for terminal installation in unique situations.

3. All expenses associated with the items required to be provided by retailer shall be the sole responsibility of retailer.

(c) Retailers shall provide a minimum amount of space as determined by the Lottery at the location of the terminal for proper ventilation, maintenance, and material loading and removing.

(d) Retailers shall position the transaction monitor so that as a transaction occurs it is displayed and in full view of the player making the ticket purchase.

(e) Retailers shall safeguard ticket stock, replenish ticket stock, and clear paper jams as required on the terminal and/or terminal printer.

(f) Retailers shall use due diligence and care when operating the terminal and shall immediately notify the Lottery’s designated hotline of any network communication problem or terminal malfunction. If the terminal’s barcode scanner is lost by a retailer, the retailer shall be responsible for the cost of replacement.

(4) Playstation and Lottery Sales Materials. Retailers shall provide a space for a lottery playstation at a prominent location within the store that is approved by the Lottery. In determining whether to approve playstation placement, the Lottery will seek to optimize the promotional value and player convenience to be derived from the playstation, also considering factors such as the retailer’s floor plan and customer traffic flow. All playstations must be Lottery-approved. Retailers shall maintain an adequate supply of pencils, play slips, claim forms, brochures and other Lottery materials for use by players as provided by the Lottery or authorized vendor. Retailers shall display and maintain in prominent locations point of sale materials provided by the Lottery to include electronic displays, odds pieces and other Lottery sales materials.

(5) Vending Machine.

(a) If a retailer’s contract provides for the sale of lottery tickets from a vending machine, the retailer complete training relating to operation of the vending machine prior to activation.

Once the retailer training is verified and the vending machine is activated, the retailer shall operate the vending machine and sell lottery tickets in accordance with the training.

(b) Retailers shall be responsible for providing a grounded power outlet within 10 feet of the vending machine location and shall provide adequate space for the vending machine. The Lottery shall approve the placement of the vending machine in the retailer's store taking into consideration key factors, such as the line of sight for monitoring by store personnel, proximity to a power source and foot traffic patterns. Once placement is made, the vending machine cannot be moved without consent of the Lottery. Any approved relocation of a vending machine shall be made by the Lottery's vendor.

(c) The vending machine shall be in direct line of sight of store personnel. The retailer is required to monitor the vending machine during business hours and must know the procedure to disable the vending machine remotely. If a person under the age of 18 attempts to purchase lottery tickets through the vending machine, store personnel must deactivate the vending machine. At least one person must be on duty at all times the vending machine is operational; however, at least two persons must be on duty at any retailer location which has violated Section 24.1055, Florida Statutes.

(d) The vending machine inventory shall be determined by the Lottery as set forth by the Plan-O-Gram. The retailer shall ensure that an adequate supply of inventory is available and that the vending machine remains fully stocked and is operational during business hours.

(e) The retailer's responsibilities with respect to maintaining the vending machine are:

1. stocking of Scratch-Off tickets;
2. stocking of ticket stock;
3. removal of currency at least daily;
4. printing reports;
5. replacing printer paper and clearing paper jams;
6. keeping machine and surrounding area clean and free of obstruction;
7. keeping area around machine well lit; and
8. ensuring that only Lottery-approved signage and messages are displayed on the machine, including any electronic message display device(s).

(f) Retailer shall call the vending machine vendor's hotline to report any problems that cannot be resolved by the retailer in accordance with the Vending Machine User Manual. This number should be called as soon as it is determined that service or telephone support is needed.

(g) Retailer shall allow only Lottery personnel or authorized service technicians with proper identification access to the vending machine. Retailer shall not perform mechanical or electrical maintenance on the vending machine unless instructed by the Lottery.

(h) If a key to the vending machine is lost by the retailer, the machine must be fitted with new locks and a new key issued for security reasons, all at the retailer's expense.

(i) If a remote deactivation device is lost by the retailer, the retailer shall pay the cost of replacement.

(j) If the cash collection box is lost or damaged by the retailer, the retailer shall pay the cost of replacement.

(6) General Provisions.

(a) Retailers shall pay a weekly service charge as determined by the Lottery, taking into consideration factors such as salary costs, travel costs, the cost of materials, and associated administrative expenses. A retailer will not be assessed a service charge for promotional or additional terminals.

(b) Retailers shall pay all electrical utility charges in connection with operation of the equipment.

(c) Retailers shall provide access to Lottery equipment to Lottery or vendor personnel presenting proper identification.

(d) Retailers shall be responsible for the physical security of all equipment and shall be responsible for the cost of replacement of any lost equipment.

(e) Material not authorized by the Lottery shall not be displayed at or dispensed from the playstation or other equipment.

(f) The Lottery will review occurrences of negligent, intentional or unintentional damage to equipment by retailer or its employees and determine whether to recover the cost of such damages by considering factors such as the remedial steps, if any, taken by the retailer to prevent such occurrences in the future.

(g) Retailers shall not attempt to perform any mechanical or electrical maintenance or repairs on equipment except as authorized by the Lottery or its vendors.

(7) The effective date of this emergency rule is January 23, 2020.

(8) This emergency rule replaces Emergency Rule 53ER19-25, F.A.C. Rulemaking Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1) FS. History—New 1-23-20, Replaces 53ER19-25.

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: January 23, 2020.

**DEPARTMENT OF HEALTH**

RULE NO.:       RULE TITLE:

64ER20-7       Testing Methods

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2019-116, § 41, at 31, Laws

of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2019-116, § 41, at 31, Laws of Florida, to adopt emergency rules to implement section 381.988, Florida Statutes.

SUMMARY: Emergency rule 64ER20-7 provides allowable testing methods to be used by Certified Marijuana Testing Laboratories.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER20-7 Testing Methods

(1) Approved Analytical Methods. A CMTL must use approved Analytical Methods, as provided in this rule.

(a) Approved Analytical Methods applicable to Microbiological Testing include:

1. United States Food and Drug Administration (FDA), 2016. Bacterial Analytical Manual (BAM), Chapters 1, 2, 4, 5, and 18, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

2. Association of Analytical Communities (AOAC), 2016. Salmonella in Foods with a Low Microbial Load, 2000.06, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

3. International Standards Organization (ISO), 2002. ISO 6579:2017 Microbiology of the Food Chain – Horizontal Method for the Detection, Enumeration, and serotyping of Salmonella, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

4. International Standards Organization (ISO), 2012. ISO 13136:2012 Microbiology of Food and Animal Feed, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

5. United States Department of Agriculture: Food Safety and Inspection Services (USDA FSIS), 2016. Microbiology Laboratory Guidebook, Method Numbers 4.10 and 5C.00, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

6. Association of Analytical Communities (AOAC), 2016. Yeast and Mold Counts in Foods, 997.02, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

(b) Approved Analytical Methods applicable to Residual Solvent testing include:

1. Environmental Protection Agency (EPA). 624.1 Purgeable by GC/MS, incorporated by reference herein and

available at <https://knowthefactsmmj.com/rules-and-regulations/>;

2. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 3500 Series, Methods 3500C, 3535A, 3550C, 3580A, and 3585, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

3. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 3600 Series, Method 3600C, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

4. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 8000 Series, Methods 8000D and 8260D, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

(c) Approved Analytical Methods applicable to Heavy Metals testing include:

1. U.S. Food and Drug Administration, Elemental Analysis Manual for Food and Related Products, (March 2015), Method 4.7, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

2. United States Department of Agriculture: Food Safety and Inspection Services (USDA FSIS), 2016. Chemistry Laboratory Guidebook, Method Number CLG-TM3, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

3. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 3000 Series, Methods 3005A, 3015A, 3031, 3040A, and 3050B, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

4. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 6000 Series, Method 6010D, 6020D incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

5. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 7000 Series, Methods 7000B, 7010, 7061A, 7470A 7471B, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

(d) Approved Analytical Methods s applicable to Agricultural Agent testing include:

1. Association of Analytical Communities (AOAC), 2016. Pesticide Residues in Foods by Acetonitrile Extraction and Partitioning the Magnesium Sulfate, 2007.01, incorporated by

reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

2. Food and Drug Administration (FDA), 2016. Pesticide Analytical Manual (PAM), Chapters 2, 3, 4, 5, and 6, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

3. United States Department of Agriculture: Food Safety and Inspection Services (USDA FSIS), 2016. Chemistry Laboratory Guidebook, Method Number CLG-PST5, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

4. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 3500 Series, Methods 3500C, 3535A, 3550C, and 3580A, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

5. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 3600 Series, Method 3600C, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

6. The U.S. Environmental Protection Agency Testing Methods for Evaluating Solid Waste: Physical/Chemical Methods Compendium (SW-846) 8000 Series, Methods 8270E, and 8275A, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>.

(e) Approved Analytical Methods applicable to Water Activity and Moisture testing include:

1. The U.S. Food and Drug Administration, Water Activity (Aw) in Foods (April 1984), incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>; and

2. United States Department of Agriculture: Food Safety and Inspection Services (USDA FSIS), 2016. Chemistry Laboratory Guidebook, Method Number CLG-MOI, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>.

(f) Approved Analytical Methods Applicable to Cannabinoid Profile testing include:

1. Backer, Benjamin De, et al., 2009. Innovative development and validation of an HPLC/DAD method for the qualitative and quantitative determination of major cannabinoids in cannabis plant material. *Journal of Chromatography B*, 887 4115-4124, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

2. Recommended Method for the Identification and Analysis of Cannabis and Cannabis Products: Manual for Use by National Drug Analysis Laboratories. United Nations,

incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

3. Gambaro, Veniero, et al., 2002. Determination of primary active constituents in Cannabis preparations by high-resolution gas chromatography/flame ionization detection and high-performance liquid chromatography/UV detection. *Analytica Chimica Acta* 468, 245-254, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

4. Stolker, A.A.M., et al., 2004. Determination of cannabinoids in cannabis products using liquid chromatography-ion trap mass spectrometry. *Journal of Chromatography A*, 1058, 143-151, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>; and

5. Upton, Roy, et al., 2014. Cannabis Inflorescence Cannabis Spp.: Standards of Identity, Analysis, and Quality Control. American Herbal Pharmacopoeia. The department has determined that posting the incorporated material on the internet would constitute a violation of the federal copyright law. The materials incorporated herein have been deemed copyright protected and are available for inspection at the Department of Health, 2585 Merchants Row Boulevard, Tallahassee, Florida 32399-1710, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(g) A CMTL may request to use an alternative, scientifically validated testing methodology. All requests for alternative, scientifically validated testing methodologies must be made in writing via email to [OMMULabs@flhealth.gov](mailto:OMMULabs@flhealth.gov) and are subject to the department's written approval.

(h) A CMTL may request to use an alternative testing methodology, subject to the following requirements:

1. Any alternative testing methodologies must be validated in accordance with one of the following:

a. The U.S. Food and Drug Administration, Guidelines for the Validation of Methods for the Detection of Microbial Pathogens in Foods and Feeds (3<sup>rd</sup> edition, 2019), incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

b. The U.S. Food and Drug Administration, Guidelines for the Validation of Chemical Methods for FDA FVM Program (3<sup>rd</sup> edition, 2019), incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

c. Association of Analytical Communities (AOAC), 2012. Methods Committee Guidelines for Validation of Microbiological Methods for Food and Environmental Surfaces, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

d. Association of Analytical Communities (AOAC), 2002. Guidelines for Single Laboratory Validation of Chemical Methods for Dietary Supplements and Botanicals, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

e. Food and Drug Administration (FDA), 2015. Analytical Procedures and Methods Validation for Drugs and Biologics, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

f. International Conference on Harmonization (ICH), 1996. Harmonized Tripartite Guideline Validations of Analytical Procedures: Text and Methodology, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>; or

g. United States Department of Agriculture Food Safety and Inspection Services (USDA FSIS), 2010. Guidance for Test Kit Manufacturers, Laboratories: Evaluating the Performance of Pathogen Test Kit Methods, incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>.

2. The CMTL may only utilize an alternative testing methodology upon the successful completion of subparagraphs (h)1., and the submission to the department of documentary evidence that the requirements of subparagraphs (h)1. have been met. Such documentation must be submitted to the department via email at [OMMULabs@flhealth.gov](mailto:OMMULabs@flhealth.gov). Upon receipt of the documentation, the department will notify the CMTL in writing whether use of the alternative, scientifically valid testing methodology is approved.

(2) Competency. An Analyst must demonstrate an Initial Display of Competency (IDOC) for a testing method prior to analyzing any Analytical Sample using that method. An IDOC is comprised of one Method Blank and four Laboratory Fortified Blanks amended with the method specified Spike Solution, and prepared and analyzed according to the same SOPs as Testing Samples. To be acceptable, the calculated Relative Percent Difference must be less than or equal to 20%, the recovery of each Target Analyte in each Laboratory Fortified Blank must be between 80% and 120% of the amended concentration, and the Method Blank must not have any Target Analytes test above the LOD, if applicable for that analysis. The IDOC must be repeated every time there is a change in the method, or when the method has not been performed by the Analyst within a 12-month period.

(3) Equipment. CMTLs must use testing equipment that satisfies the requirements of all required accreditation pursuant to CMTL rules. If any piece of equipment is not suitable for a specific method, it must not be engaged for that method or purpose. Testing equipment must be used and maintained according to the manufacturer's instructions and must be calibrated pursuant to the requirements of all accreditation

under which the CMTL is operating. CMTLs must retain records of all equipment repairs, maintenance, and Calibrations for a minimum of three years.

(4) Proficiency Testing. A CMTL must authorize any contracted ISO/IEC 17043 accredited Proficiency Test provider to submit all Proficiency Testing results to the department and the CMTL concurrently. After the Proficiency Testing data is submitted, no modification to any aspect of the reported results, method/technology, measurement units, or the associated report information shall be made unless it is necessary due to a documented error made by the accredited Proficiency Testing provider.

(a) CMTLs must manage, analyze, and report all Proficiency Testing samples in the same manner as MMTC Testing Samples, including adherence to the same sample tracking, sample preparation, analysis methods, Standard Operating Procedures, Calibrations, Quality Control, and Acceptance criteria used in testing MMTC Testing Samples.

(b) The Matrix of the Proficiency Testing sample must be of the same complexity as the Matrix type designated in the SOPs being used to prepare and analyze the Proficiency Testing sample. The same Proficiency Testing sample may be used for multiple methods if those methods are within the same Testing Field and Matrix Group. A method used for multiple Matrix groups need only pass Proficiency Testing for one Matrix Group to be acceptable for all Matrix Groups approved for that method. If a CMTL reports multiple Proficiency Testing results for a Testing Field and Matrix Group by more than one method using the same technology, an unsatisfactory result for any test method will result in an unsatisfactory result for all test methods for that Proficiency Testing sample.

(c) Rounds of Proficiency Testing may not occur at greater than six-month intervals, as determined by the closing dates of each Proficiency Testing round. If a CMTL reports more than one result for a field of accreditation (Matrix Group-Testing Field-Target Analyte combination) from a Proficiency Testing round, any unsatisfactory result constitutes a failed testing attempt for the corresponding approved or pending field of accreditation. The results of all Proficiency Testing must be sent from the ISO/IEC 17043 accredited body directly to the department. The CMTL must direct the ISO/IEC 17043 accredited body to deliver the results directly to the department via email at [OMMULabs@flhealth.gov](mailto:OMMULabs@flhealth.gov).

(d) To contest the results of a Proficiency Test, the CMTL must submit to the department, within seven days of the CMTL's receipt of the results, the name of the Proficiency Test provider, the method and Target Analyte or Analytes in question, a detailed description of the discrepancy, and any supporting documentation.

Rulemaking Authority 381.988(3), 381.988(9), F.S., Law Implemented 381.988 FS. History—New.

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: January 22, 2020

## DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-8 Submission of Product for Testing  
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2019-116, § 41, at 31, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.  
REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2019-116, § 41, at 31, Laws of Florida, to adopt emergency rules to implement section 381.988, Florida Statutes.

SUMMARY: Emergency rule 64ER20-8 requires every Medical Marijuana Treatment Center (MMTC) to arrange for a Certified Marijuana Testing Laboratory (CMTL) to test Final Product and prohibits dispensing untested Final Product or Final product that has not been found to comply with Acceptable Limits; outlines sampling requirements; requires each CMTL to establish a chain of custody protocol; provides certain testing requirements; and establishes requirements for transport of samples and reporting transportation and vehicle information to the department.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

### 64ER20-8 Submission of Product for Testing

(1) An MMTC must contact a CMTL and arrange for the CMTL to select and collect a random and representative sample of Final Product from every Retail Batch for testing. An MMTC shall not dispense to a qualified patient any Final Product from any Retail Batch that has not been tested and found to comply with the Acceptable Limits contained in the CMTL rules.

(2) Final Products from each Retail Batch must be selected at random by the CMTL and in compliance with the CMTL's field sampling protocols. At the time of selection, the CMTL must confirm within the MMTC's seed-to-sale system that the total quantity of Final Products in the Retail Batch from which a sample is being selected matches the total quantity of Final Products in the Retail Batch denoted in the system.

(3) The CMTL must follow its field sampling protocol approved under its scope of ISO 17025 accreditation.

(a) A CMTL must develop and implement a chain of custody protocol to ensure accurate documentation is recorded for the transport, handling, storage, and destruction of samples.

(b) The protocol must include use of a log form developed by the CMTL. The CMTL must use the CMTL's chain of custody log to record the following information for each Retail Batch sampled:

1. CMTL's name and address;
2. Date and time sampling started and ended;
3. MMTC's name and address where the sample was collected;
4. The Retail Batch number of the batch from which the sample was obtained and the assigned unique sample identifier;
5. Sample matrix;
6. Total Retail batch size, by weight or volume;
7. Total quantity of Final Products in the Retail Batch;
8. Total weight or volume of the sample;
9. Sampling conditions or problems encountered during the sampling process, if any;
10. Printed name and signature of the MMTC representative who was present and granted access to the Final Products for sampling;
11. Printed CMTL Employee ID number and signature of the CMTL Sampler; and
12. The date and time the sample departed from the MMTC's premises and when it arrived at the CMTL, along with the names and signatures of the CMTL Employees involved in the transport of the samples.

(4) The CMTL must homogenize all Final Products into one Testing Sample for each Retail Batch sampled. The number of Final Products chosen for testing from a Retail Batch must be enough total weight or volume to satisfy the following:

(a) If all testing of a Retail Batch is to be performed by one CMTL, 0.35% of the total volume or weight of the Retail Batch must be collected by the CMTL. In no event, however may the CMTL collect less than a 15g or 15ml sample.

(b) If testing of a Retail Batch is to be performed by multiple CMTLs, 0.20% of the total volume or weight of the Retail Batch must be collected by each CMTL. In no event, however, may the CMTL collect less than 6g or 6ml for the first analysis, and 2g or 2ml collected for each additional analysis performed by the same CMTL.

(c) For Total Combined Yeast and Mold in Usable Whole Flower Marijuana, at least 10g must be analyzed.

(5) The CMTL may, if necessary, collect more Final Product in order to ensure all tests are completed accurately.

(6) The CMTL must ensure that samples are transported and stored in a manner that prevents degradation, contamination, comingling, and tampering. The CMTL's

original chain of custody log must accompany the samples at all times during transport. Samples must be packaged by the CMTL at the MMTC facility where the sampling takes place, and the package must be sealed with a Tamper Evident Device.

(7) For Microbiological Testing, Moisture, and Water Activity analyses, a CMTL must begin preparation of Testing Samples for analysis within 48 hours of collection as reflected in the CMTL's chain of custody log. For Heavy Metals, Mycotoxins, Residual Solvents, Agricultural Agents, and Cannabinoid Profile analyses, a CMTL must begin preparation of Testing Samples for analysis within seven (7) days of collection as reflected in the CMTL's chain of custody log.

(8) A CMTL is prohibited from sampling and testing a previously tested and failed Retail Batch. If a CMTL is unable to complete regulatory compliance testing after sampling and before analyses are completed, the CMTL shall certify to the department in writing via email to OMMUlabs@flhealth.gov why the testing could not be completed and provide a copy of the chain of custody log for the sample. Once a sample from a Retail Batch has been obtained by a CMTL for testing, an MMTC shall not arrange for or allow another CMTL to sample or re-sample the same Retail Batch for testing, except as provided in subsection (9) below.

(9) If a CMTL is unable to complete the regulatory compliance testing after sampling and before analyses are completed, the MMTC from which the sample was collected may have the impacted Retail Batch(es) re-sampled and tested by another CMTL. Prior to such resampling and testing, the MMTC must confirm, in writing, with the department that the CMTL certification required in subsection (8) above has been provided to and accepted by the department.

(10) Nothing in the CMTL rules is intended to prohibit an MMTC from requesting testing of marijuana at any point during cultivation or processing. However, such testing does not exempt compliance with Final Product testing requirements prior to dispensing the Final Product to qualified patients.

(11) While transporting samples collected from an MMTC, a CMTL must ensure the samples are not visible to the public. Samples must be locked in a fully enclosed box, container, or cage that is secured to the inside of the vehicle used for transport. No portion of the enclosed box, container, or cage shall be comprised of any part of the body of the vehicle. For the purposes of this subsection, the inside of a vehicle includes the trunk. Vehicles used for transporting samples must be equipped with an alarm system.

(a) The CMTL must require at least two Employees to be in a vehicle transporting samples.

(b) The CMTL must not leave a vehicle containing samples unattended.

(c) The CMTL must ensure that packages or containers holding samples are neither tampered with nor opened during transport.

(d) The CMTL must ensure that all vehicles used to transport samples are in good working order and receive regular maintenance.

(e) The CMTL transporting samples must only travel between MMTCs for whom the laboratory is conducting regulatory compliance testing or quality assurance testing and the CMTL's Testing Facility. A CMTL must not deviate from the travel requirements described herein, except for necessary rest, fuel, or vehicle repair stops.

(f) The CMTL may at the same time transport multiple samples obtained from different MMTCs.

(g) No person under the age of 21 years old shall be in a vehicle transporting samples.

(h) Only CMTL Employees shall be in a vehicle while transporting samples.

(i) For any vehicle that will be utilized to transport samples that was not approved as part of the CMTL's initial application, the CMTL must provide the following information to the department:

1. The year, make, model, license plate number, and Vehicle Identification Number (VIN); and

2. Proof of registration and insurance.

3. The CMTL must provide the department with the information required under paragraph (i) in writing via email to OMMUlabs@flhealth.gov for any vehicle that will be used to transport samples prior to using such vehicle. The department will notify the CMTL in writing if the vehicle is approved for use by the CMTL.

(j) Vehicles transporting samples are subject to inspection by the department at any time in accordance with CMTL Rules. Rulemaking authority 381.988(3), 381.988(9), FS. Law Implemented 381.988, FS. History-New.

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: January 22, 2020

#### DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-9 CMTL Sample Testing

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2019-116, § 41, at 31, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of

Health is directed by Chapter 2019-116, § 41, at 31, Laws of Florida, to adopt emergency rules to implement section 381.988, Florida Statutes.

SUMMARY: Emergency rule 64ER20-9 provides the acceptable limits and testing requirements for MMTCs' final products to be tested by a CMTL.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER20-9 CMTL Sample Testing

(1) MMTCs must arrange for a CMTL to test Final Products for the following: tetrahydrocannabinol potency, concentration of cannabidiol, and Contaminants Unsafe for Human Consumption. Contaminants Unsafe for Human Consumption include Microbes, Mycotoxins, Residual Solvents, Heavy Metals, Agricultural Agents, and Filth and Foreign Material.

(a) Notwithstanding the Acceptable Limit associated with paragraphs (2)(c)-(i), results must be reported accurately to three significant figures as the concentration in milligrams per kilogram dry-weight for any test reported in parts per million (ppm) and to three (3) significant figures as the concentration in micrograms per kilogram dry-weight for any test reported in parts per billion (ppb).

(b) Any test result that exceeds enumerated Acceptable Limits constitutes a failure. All failures must be confirmed by the CMTL through reanalysis using a portion of stored sample. Reanalysis of a failed Target Analyte must occur after the first analysis that registered the initial failure. If reanalysis testing results are acceptable, the CMTL must report to the department the data for both analyses and the reason for the initial failure. The department will then decide if the Retail Batch may be dispensed or if a third test is necessary for confirmation.

(c) If a Retail Batch of Usable Whole Flower Marijuana fails any reanalysis, that Retail Batch of Usable Whole Flower Marijuana may thereafter be processed to create Derivative Product not meant for inhalation. Any Final Product created from a failed Retail Batch of Usable Whole Flower Marijuana, if used to create a new Derivative Product, must be tested again as a new Retail Batch. The MMTC must notify the department in writing to OMMUlabs@flhealth.gov prior to processing any failed Usable Whole Flower Marijuana to create a new Derivative Product.

(d) Any test result that meets the requirements of an enumerated Acceptable Limit is acceptable. All testing results must be reported to the MMTC from which the sample was collected. All failures must be reported to the department by

providing the Certificate of Analysis via email to OMMUlabs@flhealth.gov in writing within 24 hours of such failure. For the purposes of this rule, a test result is considered verified when the Laboratory Director, or other qualified and authorized Employee, approves the Certificate of Analysis containing the results.

(e) To dispense any Final Product, an MMTC must obtain a Certificate of Analysis from the CMTL demonstrating test results within Acceptable Limits.

(2) The following are Acceptable Limits:

(a) Microbes; Acceptable Limits for Usable Whole Flower Marijuana, Derivative Products, and Edibles:

1. Shiga toxin producing *Escherichia coli*, less than 1 CFU per gram.

2. Any *Salmonella* species, less than 1 CFU per gram.

3. *Aspergillus niger*, *Aspergillus fumigatus*, *Aspergillus flavus*, *Aspergillus terreus*, less than 1 CFU per gram.

4. Total Aerobic microbial count, less than 100 CFU per gram in Non-Oral Transmucosal Products only.

5. *Staphylococcus aureus*, less than 1 CFU per gram in Non-Oral Transmucosal Products only.

6. Bile tolerant gram-negative bacteria, less than 1 CFU per gram in Non-Oral Transmucosal Products only.

(b) Total Combined Yeast and Mold; Acceptable Limits for Usable Whole Flower Marijuana, Derivative Products, and Edibles:

1. Less than 100,000 CFU per gram.

2. Less than 10 CFU per gram in Non-Oral Transmucosal Products only.

(c) Mycotoxins; Acceptable Limits for Usable Whole Flower Marijuana, Derivative Products, and Edibles:

1. B1 (CAS No. 1162-65-8), 20 parts per billion or less.

2. B2 (CAS No. 7220-81-7), 20 parts per billion or less.

3. G1 (CAS No. 1165-39-5), 20 parts per billion or less.

4. G2 (CAS No. 7241-98-7), 20 parts per billion or less.

5. Ochratoxin A (CAS No. 303-47-9), 20 parts per billion or less.

(d) Residual Solvents; Acceptable Limits for Derivative Products and Edibles:

1. Acetone (CAS No. 67-64-1), 750 parts per million or less.

2. Acetonitrile (CAS No. 75-05-8), 60 parts per million or less.

3. Benzene (CAS No. 71-43-3), one (1) part per million or less.

4. Butane (CAS No. 106-97-8), 5,000 parts per million or less.

5. Chloroform (CAS No. 67-66-3), two (2) parts per million or less.

6. 1, 2- dichloroethane (CAS No. 107-06-2), two (2) parts per million or less.

7. 1, 1-dichloroethene (CAS No. 75-35-4), eight (8) parts per million or less.

8. Ethanol (CAS No. 64-17-5), 5,000 parts per million or less. Products for topical and oral administration only are exempt from ethanol Acceptable Limit.

9. Ethyl acetate (CAS No. 141-78-6), 400 parts per million or less.

10. Ethyl ether (CAS No. 60-29-7), 500 parts per million or less.

11. Ethylene oxide (CAS No. 75-21-8), five (5) parts per million or less.

12. Heptane (CAS No. 142-82-5), 5,000 parts per million or less.

13. Hexane (CAS No. 110-54-3), 250 parts per million or less.

14. Isopropyl alcohol (CAS No. 67-63-0), 500 parts per million or less.

15. Methanol (CAS No. 67-56-1), 250 parts per million or less.

16. Methylene chloride (CAS No. 75-09-2), 125 parts per million or less.

17. Pentane (CAS No. 109-66-0), 750 parts per million or less.

18. Propane (CAS No. 74-98-6), 5,000 parts per million or less.

19. Trichloroethylene (CAS No. 79-01-6), 25 parts per million or less.

20. Toluene (CAS No. 108-88-3), 150 parts per million or less.

21. Total xylenes (m, p, o-xylenes) (CAS No. 1330-20-7), 150 parts per million or less.

(e) Heavy Metals; Acceptable Limits for Usable Whole Flower Marijuana or Derivative Product meant for inhalation:

1. Lead (CAS No. 7439-92-1), less than 500 parts per billion.

2. Arsenic (CAS No. 7440-38-2), less than 200 parts per billion.

3. Cadmium (CAS No. 7440-43-9), less than 200 parts per billion.

4. Mercury (CAS No. 7439-97-6), less than 200 parts per billion.

(f) Heavy Metals; Acceptable Limits for Usable Whole Flower Marijuana or Derivative Product not meant for inhalation, or Edible:

1. Lead (CAS No. 7439-92-1), less than 500 parts per billion.

2. Arsenic (CAS No. 7440-38-2), less than 1500 parts per billion.

3. Cadmium (CAS No. 7440-43-9), less than 500 parts per billion.

4. Mercury (CAS No. 7439-97-6), less than 3000 parts per billion.

(g) Agricultural Agents; Acceptable Limits for Usable Whole Flower Marijuana or Derivative Product meant for inhalation:

1. Abamectin (CAS No.71751-41-2), 100 parts per billion or less.

2. Acephate (CAS No.30560-19-1), 100 parts per billion or less.

3. Acequinocyl (CAS No.57960-19-7), 100 parts per billion or less.

4. Acetamiprid (CAS No.135410-20-7), 100 parts per billion or less.

5. Aldicarb (CAS No.116-06-3), 100 parts per billion or less.

6. Azoxystrobin (CAS No.131860-33-8), 100 parts per billion or less.

7. Bifenazate (CAS No.149877-41-8), 100 parts per billion or less.

8. Bifenthrin (CAS No. 82657-04-3), 100 parts per billion or less.

9. Boscalid (CAS No. 188425-85-6), 100 parts per billion or less.

10. Captan (CAS No. 133-06-2), 700 parts per billion or less.

11. Carbaryl (CAS No. 63-25-2), 500 parts per billion or less.

12. Carbofuran (CAS No. 1563-66-2), 100 parts per billion or less.

13. Chlorantraniliprole (CAS No. 500008-45-7), 1000 parts per billion or less.

14. Chlordane (CAS No. 57-74-9), 100 parts per billion or less.

15. Chlorfenapyr (CAS No.122453-73-0), 100 parts per billion or less.

16. Chlormequat chloride (CAS No. 000-81-5), 1000 parts per billion or less.

17. Chlorpyrifos (CAS No.2921-88-2), 100 parts per billion or less.

18. Clofentezine (CAS No.74115-24-5), 200 parts per billion or less.

19. Coumaphos (CAS No.56-72-4), 100 parts per billion or less.

20. Cyfluthrin (CAS No.68359-37-5), 500 parts per billion or less.

21. Cypermethrin (CAS No.52315-07-8), 500 parts per billion or less.

22. Daminozide (CAS No.1596-84-5), 100 parts per billion or less.

23. Diazinon (CAS No.333-41-5), 100 parts per billion or less.

24. Dichlorvos (CAS No.62-73-7), 100 parts per billion or less.

25. Dimethoate (CAS No.60-51-5), 100 parts per billion or less.

26. Dimethomorph (CAS No.110488-70-5), 200 parts per billion or less.

27. Ethophos (CAS No.13194-48-4), 100 parts per billion or less.

28. Etofenprox (CAS No.80844-07-1), 100 parts per billion or less.

29. Etoxazole (CAS No.153233-91-1), 100 parts per billion or less.

30. Fenhexamid (CAS No.126833-17-8), 100 parts per billion or less.

31. Fenoxycarb (CAS No.72440-01-8), 100 parts per billion or less.

32. Fenpyroximate (CAS No.134098-61-6), 100 parts per billion or less.

33. Fipronil (CAS No.120068-37-3), 100 parts per billion or less.

34. Flonicamid (CAS No.158062-67-0), 100 parts per billion or less.

35. Fludioxonil (CAS No.131341-86-1), 100 parts per billion or less.

36. Hexythiazox (CAS No.78587-05-0), 100 parts per billion or less.

37. Imazalil (CAS No.35554-44-0), 100 parts per billion or less.

38. Imidacloprid (CAS No.138261-41-3), 400 parts per billion or less.

39. Kresoxim-methyl (CAS No.143390-89-0), 100 parts per billion or less.

40. Malathion (CAS No.121-75-5), 200 parts per billion or less.

41. Metalaxyl (CAS No.57837-19-1), 100 parts per billion or less.

42. Methiocarb (CAS No.2032-65-7), 100 parts per billion or less.

43. Methomyl (CAS No.16752-77-5), 100 parts per billion or less.

44. Methyl parathion (CAS No.289-00-0), 100 parts per billion or less.

45. Mevinphos (CAS No.7786-34-7), 100 parts per billion or less.

46. Myclobutanil (CAS No.88671-89-0), 100 parts per billion or less.

47. Naled (CAS No.300-76-5), 250 parts per billion or less.

48. Oxamyl (CAS No.23135-22-0), 500 parts per billion or less.

49. Paclobutrazol (CAS No.76738-62-0), 100 parts per billion or less.

50. Pentachloronitrobenzene (CAS No.82-68-8), 150 parts per billion or less.

51. Permethrin (CAS No.52645-53-1), 100 parts per billion or less.

52. Phosmet (CAS No.732-11-6), 100 parts per billion or less.

53. Piperonyl butoxide (CAS No.51-03-6), 3000 parts per billion or less.

54. Prallethrin (CAS No.23031-36-9), 100 parts per billion or less.

55. Propiconazole (CAS No.60207-90-1), 100 parts per billion or less.

56. Propoxur (CAS No.144-26-1), 100 parts per billion or less.

57. Pyrethrins (CAS No.8003-34-7), 500 parts per billion or less.

58. Pyridaben (CAS No.96489-71-3), 200 parts per billion or less.

59. Spinetoram (CAS No.187166-15-0), 200 parts per billion or less.

60. Spinosad A and D (CAS No.168316-95-8, 131929-60-7), 100 parts per billion or less.

61. Spiromesifen (CAS No.283594-90-1), 100 parts per billion or less.

62. Spirotetramat (CAS No.203313-25-1), 100 parts per billion or less.

63. Spiroxamine (CAS No.118134-30-8), 100 parts per billion or less.

64. Tebuconazole (CAS No.107534-96-3), 100 parts per billion or less.

65. Thiocloprid (CAS No.111988-49-9), 100 parts per billion or less.

66. Thiamethoxam (CAS No.153719-23-4), 500 parts per billion or less.

67. Trifloxystrobin (CAS No.141517-21-7), 100 parts per billion or less.

The list above of Agricultural Agents does not constitute authorization to use or apply any of those Agricultural Agents during the cultivation or processing of marijuana.

(h) Agricultural Agents; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Product not meant for inhalation, and Edibles:

1. Abamectin (CAS No.71751-41-2), 300 parts per billion or less.

2. Acephate (CAS No.30560-19-1), 3000 parts per billion or less.

3. Acequinocyl (CAS No.57960-19-7), 2000 parts per billion or less.

4. Acetamiprid (CAS No.135410-20-7), 3000 parts per billion or less.

5. Aldicarb (CAS No.116-06-3), 100 parts per billion or less.

6. Azoxystrobin (CAS No.131860-33-8), 3000 parts per billion or less.

7. Bifenazate (CAS No.149877-41-8), 3000 parts per billion or less.

8. Bifenthrin (CAS No. 82657-04-3), 500 parts per billion or less.

9. Boscalid (CAS No. 188425-85-6), 3000 parts per billion or less.

10. Captan (CAS No. 133-06-2), 3000 parts per billion or less.

11. Carbaryl (CAS No. 63-25-2), 500 parts per billion or less.

12. Carbofuran (CAS No. 1563-66-2), 100 parts per billion or less.

13. Chlorantraniliprole (CAS No. 500008-45-7), 3000 parts per billion or less.

14. Chlordane (CAS No. 57-74-9), 100 parts per billion or less.

15. Chlorfenapyr (CAS No.122453-73-0), 100 parts per billion or less.

16. Chloromequat chloride (CAS No. 000-81-5), 3000 parts per billion or less.

17. Chlorpyrifos (CAS No.2921-88-2), 100 parts per billion or less.

18. Clofentezine (CAS No.74115-24-5), 500 parts per billion or less.

19. Coumaphos (CAS No.56-72-4), 100 parts per billion or less.

20. Cyfluthrin (CAS No.68359-37-5), 1000 parts per billion or less.

21. Cypermethrin (CAS No.52315-07-8), 1000 parts per billion or less.

22. Daminozide (CAS No.1596-84-5), 100 parts per billion or less.

23. Diazinon (CAS No.333-41-5), 200 parts per billion or less.

24. Dichlorvos (CAS No.62-73-7), 100 parts per billion or less.

25. Dimethoate (CAS No.60-51-5), 100 parts per billion or less.

26. Dimethomorph (CAS No.110488-70-5), 3000 parts per billion or less.

27. Ethoprophos (CAS No.13194-48-4), 100 parts per billion or less.

28. Etofenprox (CAS No.80844-07-1), 100 parts per billion or less.

29. Etoxazole (CAS No.153233-91-1), 1500 parts per billion or less.

30. Fenhexamid (CAS No.126833-17-8), 3000 parts per billion or less.

31. Fenoxycarb (CAS No.72440-01-8), 100 parts per billion or less.

32. Fenpyroximate (CAS No.134098-61-6), 2000 parts per billion or less.

33. Fipronil (CAS No.120068-37-3), 100 parts per billion or less.

34. Flonicamid (CAS No.158062-67-0), 2000 parts per billion or less.

35. Fludioxonil (CAS No.131341-86-1), 3000 parts per billion or less.

36. Hexythiazox (CAS No.78587-05-0), 2000 parts per billion or less.

37. Imazalil (CAS No.35554-44-0), 100 parts per billion or less.

38. Imidacloprid (CAS No.138261-41-3), 3000 parts per billion or less.

39. Kresoxim-methyl (CAS No.143390-89-0), 1000 parts per billion or less.

40. Malathion (CAS No.121-75-5), 2000 parts per billion or less.

41. Metalaxyl (CAS No.57837-19-1), 3000 parts per billion or less.

42. Methiocarb (CAS No.2032-65-7), 100 parts per billion or less.

43. Methomyl (CAS No.16752-77-5), 100 parts per billion or less.

44. Methyl parathion (CAS No.289-00-0), 100 parts per billion or less.

45. Mevinphos (CAS No.7786-34-7), 100 parts per billion or less.

46. Myclobutanil (CAS No.88671-89-0), 3000 parts per billion or less.

47. Naled (CAS No.300-76-5), 500 parts per billion or less.

48. Oxamyl (CAS No.23135-22-0), 500 parts per billion or less.

49. Paclobutrazol (CAS No.76738-62-0), 100 parts per billion or less.

50. Pentachloronitrobenzene (CAS No.82-68-8), 200 parts per billion or less.

51. Permethrin (CAS No.52645-53-1), 1000 parts per billion or less.

52. Phosmet (CAS No.732-11-6), 200 parts per billion or less.

53. Piperonyl butoxide (CAS No.51-03-6), 3000 parts per billion or less.

54. Prallethrin (CAS No.23031-36-9), 400 parts per billion or less.

55. Propiconazole (CAS No.60207-90-1), 1000 parts per billion or less.

56. Propoxur (CAS No.144-26-1), 100 parts per billion or less.

57. Pyrethrins (CAS No.8003-34-7), 1000 parts per billion or less.

58. Pyridaben (CAS No.96489-71-3), 3000 parts per billion or less.

59. Spinetoram (CAS No.187166-15-0), 3000 parts per billion or less.

60. Spinosad A and D (CAS No.168316-95-8, 131929-60-7), 3000 parts per billion or less.

61. Spiromesifen (CAS No.283594-90-1), 3000 parts per billion or less.

62. Spirotetramat (CAS No.203313-25-1), 3000 parts per billion or less.

63. Spiroxamine (CAS No.118134-30-8), 100 parts per billion or less.

64. Tebuconazole (CAS No.107534-96-3), 1000 parts per billion or less.

65. Thiacloprid (CAS No.111988-49-9), 100 parts per billion or less.

66. Thiamethoxam (CAS No.153719-23-4), 1000 parts per billion or less.

67. Trifloxystrobin (CAS No.141517-21-7), 3000 parts per billion or less.

The list above of Agricultural Agents does not constitute authorization to use or apply any of those Agricultural Agents during the cultivation or processing of marijuana.

(i) Total Contaminant Load; Acceptable Limits for:

1. Usable Whole Flower Marijuana and Derivative Product meant for inhalation, five (5) parts per million or less.

2. Usable Whole Flower Marijuana, Derivative Product, and Edible not meant for inhalation, 30 parts per million or less.

(j) A Testing Sample containing levels of any Microbe, Residual Solvent, Heavy Metal, or Agricultural Agent, that is not otherwise enumerated in this rule and that could be toxic if consumed or applied by a qualified patient, shall be deemed to fail Acceptable Limits testing.

(k) Water Activity; Acceptable Limits for Usable Whole Flower Marijuana, Derivative Product, or Edibles:

1. Usable Whole Flower Marijuana, Water Activity 0.65 Aw or less.

2. Solid and semi-solid Derivative Product or Edible, Water Activity of 0.85 Aw or less, with the exception of water-based products which will not be held to Water Activity standards.

3. CMTLs must analyze a minimum Testing Sample size of 0.05% of the total Retail Batch weight or volume or a minimum of 3g or 3ml, whichever is larger, for water-activity levels according to the Acceptable Limits listed above. Results must be reported accurately to two (2) significant figures.

(l) CMTLs must analyze Usable Whole Flower Marijuana for Moisture content analysis. Usable Whole Flower Marijuana that has a Moisture content below 15.0% is acceptable for Moisture-content testing. Results must be reported to the nearest tenth of a percent.

(m) Filth and Foreign Materials. Each Final Product sampled must be inspected by the CMTL for Filth and Foreign Materials before being used to create a Testing Sample. Acceptable Limits for Usable Whole Flower Marijuana, Derivative Product, or Edibles:

1. Filth and Foreign Material (to include mold, mildew, fungus, hair, insects, packaging contaminants, processing waste, or other similar marijuana cultivation and processing by-products), not more than an average of 1% by weight, or cover more than 10% of the total sample area.

2. Any feces, not more than 0.5 mg per kilogram.

(3) Potency Testing. Potency Testing for Usable Whole Flower Marijuana, Derivative Product, and Edibles must include the amount, in milligrams, of total active THC and total active CBD in the Final Product. The total amount of active THC and active CBD in non-inhalation Derivative Products and in Edibles must be reported in milligrams, accurate to three (3) significant figures, as the concentration of THC and CBD in milligrams per gram multiplied by the total weight of the product. For inhalation Derivative Products and Usable Whole Flower Marijuana, total active THC in milligrams must be calculated as the concentration of THC + (concentration of THCA multiplied by 0.877) in milligrams per gram multiplied by the total weight of the product. For inhalation Derivative Products and Usable Whole Flower Marijuana, total active CBD in milligrams must be calculated as the concentration of CBD + (concentration of CBDA multiplied by 0.877) in milligrams per gram multiplied by the total weight of the product. Usable Whole Flower Marijuana must be reported at both dry weight and 12% ( $\pm 0.5\%$ ) Moisture content.

(4) Cannabinoid Profile. The Cannabinoid Profile results must be reported as a percentage, accurate to three significant figures, as the concentration in milligrams per gram of each individual cannabinoid divided by the total concentration of all cannabinoids in milligrams per gram multiplied by 100. The CMTL must test for the following cannabinoids:

(a) d9-Tetrahydrocannabinol (d9-THC), CAS No. 1972-08-3.

(b) d8-Tetrahydrocannabinol (d8-THC), CAS No. 5957-75-5.

(c) d9-Tetrahydrocannabinolic acid (THCA), CAS No. 23978-85-0.

(d) Tetrahydrocannabivarin (THCV), CAS No. 31262-37-0.

(e) Cannabidiol (CBD), CAS No. 13956-29-1.

(f) Cannabidiolic acid (CBDA), CAS No. 1244-58-2.

(g) Cannabidiol (CBDV), CAS No. 24274-48-4.

(h) Cannabigerol (CBG), CAS No. 25654-31-3.

(i) Cannabigerolic acid (CBGA), CAS No. 25555-57-1.

(j) Cannabinol (CBN), CAS No. 521-35-7.

(k) Cannabichromene (CBC), CAS No. 20675-51-8.

(5) The concentration of total active THC and total active CBD or any individual cannabinoid printed on the Final Product packaging must be within 10% of the tested concentration. If the concentration of total active THC or total active CBD or any individual cannabinoid printed on the Final Product packaging varies by more than 10% from the tested concentration, the packaging must be corrected to display the accurate concentration prior to being dispensed to qualified patients. Any cannabinoid that tests less than 1.0% may be labeled as such. If the total cannabinoid concentration is 10mg or less, the concentration of Total Active THC, Total Active CBD, or any individual cannabinoid printed on the Final Product packaging may vary by 50% of the tested concentration.

(6) Testing of Edibles. When testing Edibles CMTLs must perform a homogeneity analysis for concentration of Total Active THC and Total Active CBD. Edibles that do not meet the following criteria fail homogeneity testing and must not be dispensed by an MMTC.

(a) Homogeneity testing of Final Products that are a single serving requires one Final Product be divided into five (5) equal increments per 100 Final Products per Retail Batch, rounding up to the next 100 (i.e. 101 single serving Final Products would require two (2) individual Final Products to undergo homogeneity testing). The concentration of Total Active THC and Total Active CBD must be tested in two (2) increments and each must contain 1/5<sup>th</sup> of the Total Active THC and Total Active CBD measured in the whole Final Product. The two (2) increments in each Final Product tested must vary by no more than 50% from 1/5<sup>th</sup> of the Total Active THC and Total Active CBD.

(b) Homogeneity testing of Final Products containing multiple servings requires three (3) servings in one (1) Final Product per 100 Final Products per Retail Batch, rounding up to the next 100 (i.e. 101 multiple serving Final Products would require six (6) servings in two (2) Final Products to undergo homogeneity testing). The concentration of Total Active THC and Total Active CBD must be a maximum of 10mg per serving, and the individual servings must vary by no more than 50% from the Total Active THC and Total Active CBD.

(7) CMTLs must report any Testing Sample that is found to contain a level of any contaminant not listed in this rule that could be injurious to human health if consumed or otherwise introduced to the human body. The CMTL must report such findings to the MMTC from which the sample was collected and to the department at [OMMUlabs@flhealth.gov](mailto:OMMUlabs@flhealth.gov) within 24 hours of the finding. Test results of samples tested for research

and development purposes only are not required to be reported to the department.

(a) Any Certificate of Analysis generated by research and development samples must be clearly labeled "R&D ONLY NOT FOR RETAIL."

(b) Any Certificate of Analysis generated by the analysis of non-marijuana products (water, growth medium, nutrients, product ingredient, product packaging) must accurately describe the material tested.

(8) CMTLs must maintain at least one untested portion of each Testing Sample, whether having passed or failed any Acceptable Limit analysis. These Testing Samples must be securely stored for a minimum of 45 days before being destroyed. Every Testing Sample that is destroyed must be logged by the CMTL. Testing Samples that have been stored a minimum of 45 days may be used by the CMTL for in-house method development and validation prior to being destroyed. Rulemaking Authority 381.988(3), 381.988(9) FS. Law Implemented 381.988, FS. History—New .

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: January 22, 2020

#### DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-10 Quality Control Samples

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2019-116, § 41, at 31, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2019-116, § 41, at 31, Laws of Florida, to adopt emergency rules to implement section 381.988, Florida Statutes.

SUMMARY: Emergency rule 64ER20-10 addresses the use of quality control samples by CMTLs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at [Courtney.Coppola@flhealth.gov](mailto:Courtney.Coppola@flhealth.gov).

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 64ER20-10 Quality Control Samples

(1) CMTLs must use Quality Control samples in each analysis, where applicable. Quality Control samples must be analyzed in the same manner as Testing Samples for validation purposes. The following Quality Control samples must be in

each analysis for Mycotoxins, Residual Solvents, Heavy Metals, Agricultural Agents, and Cannabinoid Profile:

(a) CMTLs must prepare at least one Method Blank sample per Laboratory Batch. All Method Blank samples must be prepared and analyzed in the same manner as Testing Samples. Method Blanks that contain Target Analytes above the Limit of Detection must be reanalyzed. If upon reanalysis the Method Blank is again above the Limit of Detection the CMTL must determine and correct the source of the contamination, repeat the preparation of the Laboratory Batch, and reanalyze the Testing Samples. If Method Blank results continue to read above the Limit of Detection, the CMTL must discontinue conducting the analysis until such time it is able to test at or below the Limit of Detection.

(b) CMTLs must prepare and analyze Laboratory Fortified Blanks for each Laboratory Batch. The percent of recovery for any Target Analyte within each Laboratory Fortified Blank, calculated as the quantitative sample result  $\div$  expected result  $\times$  100, must be recorded. The CMTL must determine acceptable ranges of recovery in Laboratory Fortified Blanks which must be approved within the scope of the CMTL's ISO 17025 accreditation. If the concentration of Spike Solution is lower than the expected concentration in a submitted sample, spiking post dilution is permitted.

(c) CMTLs must prepare and analyze Matrix Spike Samples for each Laboratory Batch. The percent of recovery for any Target Analyte within each Matrix Spike Sample, calculated as the quantitative sample result  $\div$  expected result  $\times$  100, must be recorded. The CMTL must determine acceptable ranges of recovery in Matrix Spike Samples which must be approved within the scope of the CMTL's ISO 17025 accreditation. If the concentration of Spike Solution is lower than the expected concentration in a submitted sample, spiking post dilution is permitted.

(d) CMTLs must run duplicate Laboratory Fortified Blanks and Matrix Spike Samples and must calculate their Relative Percent Differences (RPD). RPD is calculated as (quantitative sample result A – quantitative sample result B)  $\div$  ((quantitative sample result A + quantitative sample result B)  $\div$  2)  $\times$  100. The RPD between duplicates must be as follows:

1. Mycotoxins: 20% or less;
2. Residual Solvents: 30% or less;
3. Heavy Metals: 20% or less;
4. Agricultural Agents: 20% or less; and
5. Cannabinoids: 15% or less.

(e) CMTLs shall run an Initial Calibration Verification (ICV) after the Calibration Curve, and Continuing Calibration Verification (CCV) after the ICV, and once every 12 hours, or at a minimum, every 10 samples, thereafter in the analysis run. The CMTL shall calculate the RPD between the ICV and the corresponding Calibration Curve level, and the CCV and the

corresponding Calibration Curve level. The RPD between the Calibration Curve level and corresponding CCV or ICV must be no more than 20%.

1. If the CCV results exceeds more than 20% above the corresponding Calibration Curve level concentration, any Target Analyte result below the LOQ may be reported. Otherwise the samples affected by the failed CCV shall be reanalyzed after a new Calibration Curve has been established and accepted.

2. If the CCV result exceeds more than 20% below the corresponding Calibration Curve level concentration, any Target Analyte result above the Acceptable Limits may be reported. Otherwise the samples affected by the failed CCV shall be reanalyzed.

(f) Methods containing multiple Target Analytes may have a representative number of Target Analytes chosen for the required Spike Solution.

1. For Analytical Methods that include one (1) to five (5) Target Analytes, the Spike Solution must contain all Target Analytes

2. For Analytical Methods that include five (5) to 20 Target Analytes, the Spike Solution must contain 50% of the Analytical Method Target Analytes, with a minimum of five (5) Target Analytes.

3. For Analytical Methods that include more than 20 Target Analytes, the Spike Solution must contain a minimum of 16 Target Analytes.

4. The CMTL must ensure all Target Analytes are included in the Spike Solution at least once in a two-year period.

(g) Methods containing multiple Target Analytes may have the following number of Target Analytes in a Quality Control sample fall outside the accepted range to a maximum of 30%:

1. Analytical Methods containing fewer than 11 Target Analytes are allowed no measurements outside the accepted range.

2. Analytical Methods containing 11 to 30 Target Analytes are permitted one (1) Quality Control sample outside the accepted range.

3. Analytical Methods containing 31 to 50 Target Analytes are permitted two (2) Quality Control samples outside the accepted range.

4. Analytical Methods containing 51 to 70 Target Analytes are permitted three (3) Quality Control samples outside the accepted range.

5. Analytical Methods containing 71 or more Target Analytes are permitted four (4) Quality Control samples outside the accepted range.

(h) An analysis will be deemed satisfactory when all Quality Control sample measurements meet the accepted criteria. If any Quality Control sample measurements fall outside the accepted criteria, the Laboratory Batch must be

reanalyzed. If after reanalysis the same Quality Control sample falls outside the accepted criteria, the CMTL must repeat the preparation of the Analytical Batch and reanalyze as a new Laboratory Batch. If the Quality Control sample continues to fall outside the accepted criteria, the CMTL must discontinue conducting the analysis until the CMTL is able to correct the cause of the unsatisfactory Quality Control sample measurement.

(i) CMTLs must generate Quality Control sample reports that contain the date of the analysis, the parameters of the analysis, the Matrix or Matrixes used, the Target Analytes tested for, the instrument of analysis, and measurements.

(j) If the number of Analytical Samples in an Analytical Batch for Mycotoxins, Residual Solvents, Heavy Metals, Agricultural Agents, or Cannabinoid Profile is greater than 20, the Analytical Batch must be split between multiple Laboratory Batches such that the Quality Control samples in each Laboratory Batch correspond to a maximum of 20 Analytical Samples.

(2) For Microbiological Testing by quantitative polymerase chain reaction (qPCR), the Laboratory Batch must include one positive Quality Control sample able to detect 1 CFU per gram, one negative Quality Control sample, and one replicate Analytical Sample per Analytical Batch. Microbes with an Acceptable Limit less than 1 CFU per gram must undergo a 24-hour enrichment before testing.

Rulemaking Authority 381.988(3), 381.988(9), FS. Law Implemented 381.988 FS. History—New.

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: January 22, 2020

#### DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-11 CMTL Calibration Standards

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2019-116, § 41, at 31, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2019-116, § 41, at 31, Laws of Florida, to adopt emergency rules to implement section 381.988, Florida Statutes.

SUMMARY: Emergency rule 64ER20-11 addresses calibration standards that CMTLs must adhere to and requirements for providing any alternative methods to the department.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 64ER20-11 CMTL Calibration Standards

(1) CMTLs must prepare Calibration Standards pursuant to and in compliance with this rule. Calibration Standards must be prepared by diluting Certified Reference Materials to produce working standards to be used in the Calibration of instruments, the quantitation of analysis samples, and for use in Laboratory Fortified Blanks and Matrix Spike Samples. Certified Reference Materials must be:

(a) Obtained from an independent body that holds ISO/IEC 17034:2017 accreditation; or

(b) Created by the CMTL, if the CMTL holds ISO/IEC 17034:2017 accreditation.

(2) The Limit of Detection (LOD) must be calculated for Mycotoxins, Heavy Metals, Residual Solvents, Agricultural Agents, and Cannabinoid Profile in one of the following ways:

(a) The signal-to-noise ratio, as calculated by comparing the measured signals of known Target Analyte concentrations with those within the Method Blanks to establish the minimum concentration a Target Analyte can be consistently detected. Acceptable ratios must be within the range of 3:1 to 2:1;

(b) Based on the standard deviation of the instrument's response and the slope of the Calibration Curve, calculated as  $3.3 \times$  the standard deviation of the response  $\div$  the slope of the Calibration Curve. The standard deviation of the response must be determined by comparing seven Method Blank samples. The Limit of Detection for chemical methods must be less than 1/10 of the action level for each Target Analyte; or

(c) Any other method published by the U.S. Food and Drug Administration or the U.S. Environmental Protection Agency. A CMTL utilizing a method pursuant to this paragraph must provide the method to the department via email to OMMUlabs@flhealth.gov.

(3) The Limit of Quantitation (LOQ) must be calculated for Mycotoxins, Heavy Metals, Residual Solvents, Agricultural Agents, and Cannabinoid Profile in one of the following ways:

(a) The signal-to-noise ratio, as calculated by comparing the measured signals of known Target Analyte concentrations with those of Method Blanks to establish the minimum concentration a Target Analyte can be consistently detected. The minimum acceptable ratio is 10:1;

(b) Based on the standard deviation of the instrument's response and the slope of the Calibration Curve, calculated as  $10 \times$  the standard deviation of the response  $\div$  the slope of the Calibration Curve. Standard deviation of the response is determined by comparing seven Method Blank samples. The

LOQ for chemical methods must be, at a maximum, ½ of the Target Analyte’s Acceptable Limit; or

(c) Any other method published by the U.S. Food and Drug Administration or the U.S. Environmental Protection Agency. A CMTL utilizing a method pursuant to this paragraph must provide the method to the department via email to OMMUlabs@flhealth.gov.

(4) The correlation coefficient of the Calibration Standard regression model must be greater than or equal to 0.98. A Calibration Curve must consist of a minimum of five (5) consecutive points if utilizing a linear correlation, and a minimum of six (6) consecutive points of utilizing a non-linear correlation. The Calibration Curve must, at a minimum, span from the Limit of Quantitation to the Acceptable Limit for each individual Target Analyte.

Rulemaking Authority 381.988(3), 381.988(9), FS. Law Implemented 381.988 FS. History–New.

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: January 22, 2020

#### DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-12 CMTL Certification of Analysis

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2019-116, § 41, at 31, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2019-116, § 41, at 31, Laws of Florida, to adopt emergency rules to implement section 381.988, Florida Statutes.

SUMMARY: Emergency rule 64ER20-12 sets forth the requirements for the Certificates of Analysis issued by Certified Marijuana Testing Laboratories (CMTL) for Final Products test by the CMTL, including required information which must be included in the certificate and retention requirements.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 64ER20-12 CMTL Certificate of Analysis

(1) A CMTL must generate a Certificate of Analysis containing the results from each Final Product tested, containing all the information required in paragraph (a) below,

and all the information required in paragraphs (b) and/or (c) below, as applicable. Additional information, analysis, or graphics not expressly required by paragraphs (a) through (c) may be included on any report required by this rule.

(a) Certificates of Analysis for Environmental, Microbiological, and Cannabinoid Profile testing must contain:

1. The name of the MMTC from which the sample was collected;

2. The cultivation facility or facilities where the marijuana was cultivated;

3. The processing facility or facilities where the marijuana was processed;

4. The Cultivar or Cultivars making up the sample (If the Retail Batch is comprised of more than two Cultivars, the Testing Sample can be referred to as “mixed Cultivar”);

5. The batch number and date the Retail Batch was created;

6. The batch number and date any Laboratory Batch was created;

7. The date sample preparation occurred;

8. The total weight or volume of the Final Product received for testing;

9. The internal Employee identification number of any person who performed the sample preparation;

10. The date and time of the sample’s preparation;

11. The title of the Standard Operating Procedure used to prepare the sample;

12. The date and time sample analysis occurred; and

13. The internal Employee identification number of any person who performed the sample analysis.

(b) Certificates of Analysis for Environmental and Cannabinoid Profile testing must contain:

1. The title of the Standard Operating Procedure used in the sample analysis;

2. The type of instrument used to analyze the sample;

3. The final weight or volume of the sample used in the analysis;

4. The sample Matrix;

5. The Target Analytes measured in the test;

6. The numerical concentration for each Target Analyte measured in the Testing Sample and its Limit of Detection;

7. The dilution factor of each Target Analyte;

8. The percentage of each cannabinoid that must be tested and the total percentage of these cannabinoids within the sample; and

9. Whether the sample has passed or failed in relation to Acceptable Limits for individual Target Analytes.

(c) Certificates of Analysis for Microbiological Testing must contain:

1. Presence or absence of microbes in 1 gram;

2. Concentration of aflatoxins;

3. Concentration of ochratoxin;

4. The sample Matrix;

5. The Target Analytes measured in the test;

6. The Acceptable Limit for the analysis conducted; and

7. Whether the sample passed or failed in relation to the Acceptable Limits for Microbes and Mycotoxins.

(d) Certificates of Analysis generated by the CMTL to the MMTC within 14 days of the sample departure date noted on the chain of custody documentation.

(2) Data Packages. CMTLs must create and maintain Data Packages for every analyzed Laboratory Batch. Data packages must contain:

(a) The name and address of the CMTL that performed the testing;

(b) The name and address of the facility where the marijuana was cultivated;

(c) The name and address of the facility where the marijuana was processed;

(d) Internal Employee identification numbers of all Employees that performed any sample preparation, the sample analysis, or reviewed and approved the collected data;

(e) Laboratory Batch Quality Control sample reports;

(f) Raw data for each sample;

(g) Instrument raw data, if any;

(h) Instrument test method with parameters;

(i) Instrument tune reports, where applicable;

(j) All instrument Calibration and/or tune data;

(k) Internal Standard report;

(l) Initial Calibration Certification Report;

(m) Continuing Calibration Verification Report;

(n) Sample preparation worksheets;

(o) Employee workbook sheets relevant to the analysis run;

(p) Analytical Batch sample sequence; (q) Chain of custody documentation; and

(r) A copy of any Certificate of Analysis required by subsection (1).

(3) Prior to the dissemination of any documentation contemplated by subsections (1) and (2) to the department or a MMTC, the CMTL's Laboratory Director, or designee, must:

(a) Review the quantitative analytical results for technical correctness and completeness;

(b) Verify that the results of each analysis are accurately reported, and that the results can be traced back to the specific Laboratory Batch; and

(c) Verify approval of the results by signing and dating the Data Package.

(4) CMTLs must maintain Data Packages for three (3) years from the date created. Chain of custody documentation, Initial Display of Competency documentation, MMTC audit reports, and MMTC onsite inspection reports must be retained for a minimum of three years from the date created. Quality Control reports and Proficiency Testing results must be retained

for a minimum of two years from the date of receipt by the CMTL. Video surveillance recordings must be maintained for a minimum of 45 days or longer upon the request of a law enforcement agency or as ordered by any court of competent jurisdiction.

(5) Records. Upon request by the department, a CMTL must provide the department copies of the following within 48 hours of the department's request:

(a) Proof of accreditation required by CMTL rules;

(b) All materials and documents submitted for the most recent ISO/IEC 17025 accreditation audit;

(c) Standard Operating Procedures;

(d) Analytical Methods;

(e) Equipment logs;

(f) Raw analytical data;

(g) Initial Display of Competency documentation;

(h) Chain of custody documentation;

(i) Sample rejection logs;

(j) Quality Assurance reports;

(k) Proficiency Testing results;

(l) Quality Assurance Manual;

(m) Personnel qualification, training, and competency documentation;

(n) Purchasing and supply records;

(o) Method verification and validation records;

(p) Quality Assurance and Quality Control records;

(q) Equipment service records;

(r) Non-conforming work and corrective action records;

(s) Internal and external audit records;

(t) Testing Facility and Secure Storage area security records;

(u) Data Packages;

(v) Data backup records;

(w) Data reports, data review, and data approval records;

(x) Any report or Certificate of Analysis created for a MMTC;

(y) Any analytical testing data;

(z) Traceability records;

(aa) Standards records;

(bb) Calibration records;

(cc) Extraction logs, Certified Reference Materials records;

(dd) Analyst notebooks and logbooks;

(ee) Sample analysis reports;

(ff) Contamination records;

(gg) Cleaning records;

(hh) Safety and chemical-hygiene records;

(ii) Any other generated report related to the testing of marijuana;

(jj) Any other generated report related to the audit or onsite inspection of MMTCs, to include any materials used in the creation of such report; and

(kk) Any other document or record necessary to substantiate compliance with sections 381.986 and 381.988, F.S., and CMTL rules. Rulemaking Authority 381.988(3), 381.988 (9), FS. Law Implemented 381.988 FS. History–New.

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: January 22, 2020

## DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-13 CMTL Background Screening

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2019-116, § 41, at 31, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.  
REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2019-116, § 41, at 31, Laws of Florida, to adopt emergency rules to implement section 381.988, Florida Statutes.

SUMMARY OF THE RULE: Emergency rule 64ER20-13 addresses the background screening requirements for CMTLs.  
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

### 64ER20-13 CMTL Background Screening

#### (1) Required Background Screening.

(a) No person may serve as an Owner, Investor, Manager, or Employee, as those terms are defined by CMTL rules, unless and until the person has undergone and successfully passed a level 2 background screening pursuant to section 435.04, F.S. Additionally, an Owner, Investor, Manager, or Employee must not have not been found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in chapters 837, 895, or 896, F.S., or similar law of another jurisdiction.

(b) A CMTL that allows a person to serve as an Owner, Investor, Manager, or Employee without successfully passing a required background screening will be subject to discipline pursuant to CMTL rules.

#### (2) Background Screening Procedures.

(a) A CMTL or Applicant must request and obtain clearance from the department before allowing any individual to serve as a CMTL Owner, Investor, Manager, or Employee.

(b) To request clearance of a prospective CMTL Owner, Investor, Manager, or Employee, a CMTL or Applicant must provide, via email to [OMMUlabs@flhealth.gov](mailto:OMMUlabs@flhealth.gov), a request that the department process the individual's background screening report. The CMTL or Applicant's request for clearance of a prospective Owner, Investor, Manager, or Employee must include the full name of the person(s) submitting to background screening together with Form DH8023-OMMU-01/2020, "Certified Marijuana Testing Laboratory (CMTL) Waiver Agreement and Statement" incorporated by reference and available at <https://knowthefactsmmj.com/rules-and-regulations/>, which must be completed and signed by the prospective Owner, Investor, Manager, or Employee.

(c) Persons required to undergo background screening must submit a full set of fingerprints to a Livescan Service Provider and, at the time of submission, give to the Livescan Service Provider the ORI number FL924890Z (DOH – OFFICE OF MEDICAL MARIJUANA USE).

(d) Once generated, the background screening report will be sent directly to the department. The department will not process the background screening report unless and until it receives a clearance request from a CMTL or Applicant, as provided in paragraph (2)(b). If a CMTL or Applicant does not request clearance from the department within six months from the date the prospective Owner, Investor, Manager, or Employee submitted fingerprints to a Livescan Service Provider pursuant to paragraph (2)(c), the department will be unable to process the background screening report and the individual will again be required to submit fingerprints to a Livescan Service Provider pursuant to paragraph (2)(c).

(e) After receipt of the background screening report, the department may issue to the individual requests for additional information or clarification necessary to complete its review of the background screening report. Upon assessing the background screening report and any additional information received from the individual, the department will issue notice to the individual stating whether the individual passed the background screening. The department will also issue notice to the CMTL or Applicant advising whether the individual has been cleared to serve as a CMTL Owner, Investor, Manager, or Employee.

(f) If an individual's fingerprints are rejected twice for image quality, the individual shall participate in the Federal Bureau of Investigation's name check procedure for fingerprint submissions rejected twice due to image quality.

(g) A CMTL must retain in its records clearance notices from the department for all Owners, Investors, Managers, or Employees currently serving the CMTL and must retain the notices for at least five years after an Owner, Investor, Manager, or Employee is terminated, removed, or otherwise separated from the CMTL.

(3) Fingerprint Retention Fees and Notifications.

(a) The annual fee for participation in the AFRNP is \$6.00 per individual record retained. There is no fee for the initial year of participation.

(b) The department will direct FDLE to enter and retain the fingerprints of all CMTL Owners, Investors, Managers, or Employees. CMTLs must notify the department in writing within 30 calendar days of the termination or separation of any Owner, Investor, Manager, or Employee so that the individual's fingerprints may be removed.

(4) Voluntary Disclosure of Arrest Reports and Continuing Background Clearance.

(a) After becoming aware of the arrest of any Owner, Investor, Manager, or Employee of the CMTL for any of the disqualifying offenses provided in s. 435.04, F.S., or becoming aware that such individual has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense in chapter 837, chapter 895, chapter 896 or similar law of another jurisdiction, the CMTL shall provide notice to the department. Such notice shall be provided to the department in writing within 48 hours of becoming aware of the individual's arrest and shall include the following information:

1. Name of the arrested individual;
2. Position or job title of the arrested individual; and
3. A copy of the arrest report, if available.

(b) If the department receives an arrest notification concerning a CMTL Owner, Investor, Manager, or Employee that renders the individual ineligible to serve as a CMTL Owner, Investor, Manager, or Employee the department will provide written notice to the CMTL. Within 24 hours of receiving written notice from the department, a CMTL must terminate the Employee or Manager or remove the Owner or Investor from his or her position. Failure to do so is grounds for revocation of the certification.

Rulemaking Authority 381.988(3), 381.988(9), 943.05(2)(h)3, FS. Law Implemented 381.988, 943.05 FS. History—New.

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: January 22, 2020

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

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:  
11B-27.00213 Temporary Employment Authorization

NOTICE IS HEREBY GIVEN that on January 21, 2020, the Department of Law Enforcement, received a petition for permanent waiver of subsection 11B-27.00213(4), F.A.C. from Mekeba Brown. The Petitioner wishes to permanently waive that portion of the rule that states: Agencies applying to temporarily employ or appoint an individual who has had a previous TEA registered with the Commission in the same discipline may do so only if: (a) the individual was previously certified as a full-time or part-time officer; or (b) The individual was previously hired on a TEA and has separated from the employing agency or discontinued training while in good standing, and has had a break-in-service from the last employment for a minimum of four years.

A copy of the Petition for Variance or Waiver may be obtained by contacting: A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by Telephone at (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on January 22, 2020, the Department of Law Enforcement, received a petition for temporary waiver of subsection 11B-27.002(4), F.A.C., from John Seibert. Petitioner wishes to temporarily waive that portion of the Rule that states: (a) Within 4 years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer.

A copy of the Petition for Variance or Waiver may be obtained by contacting: A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by Telephone at (850)410-7676.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:  
59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on January 8, 2020, the Agency for Health Care Administration, received a petition for variance from subsection 59A-4.1265(5), F.A.C., from Good Samaritan Society-Florida Lutheran (Deland) to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2020000524. Any interested person

or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on January 8, 2020, the Agency for Health Care Administration, received a petition for variance from subsection 59A-4.1265(5), F.A.C., from Good Samaritan Society-Daytona to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2020000525. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on January 13, 2020, the Agency for Health Care Administration, received a petition for variance from subsection 59A-4.1265(5), F.A.C., from Bay Breeze Senior Living and Rehabilitation Center to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2020000734. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-699.310 Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems

NOTICE IS HEREBY GIVEN that on January 4, 2020, the Department of Environmental Protection, received a petition for variance pursuant to Section 120.542, F.S. from The Horne Corporation d/b/a/ Magnolia Estates of Central Florida. The petition requested a variance from subparagraph 62-699.310(2)(a)1., F.A.C., at Magnolia Mobile Home Park's wastewater treatment facility, to maintain the previously allowed level of staffing, which required a Class D or higher operator for 3 visits/week on nonconsecutive days for a total of 1½ hour/week, rather than increase the level of staffing to a Class C or higher operator 1 hour per day, 5 days per week and one visit each weekend. The petition alleges the purpose of the underlying statute will be achieved by other means and the application of the rule would create a substantial hardship. The facility is located at 3828 Dr. Love Road, Orlando, Florida 32810. The petition has been assigned OGC # 20-0025 and Permit No. FLA010862.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison Chancy, Florida Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3769; telephone (407)897-2968; e-mail Allison.Chancy@floridadep.gov, during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays. If you have any questions, please call the Central District Office at (407)897-4100. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On January 23, 2020, the Florida Housing Finance Corporation issued an order granting HTG Village View, LLC a waiver of subsection 67-48.002(95) F.A.C. (2017) and section II.K of the 2016 Qualified Allocation Plan, permitting Petitioner to exchange its 2018 credits for an allocation of 2020 credits with a placed-in-service date of December 31, 2021. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not

granted. The petition was filed on December 19, 2019 and notice of the receipt of petition was published on December 20, 2019 in Vol. 45, Number 246, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On January 23, 2020, the Florida Housing Finance Corporation issued an order granting HTG Paradise, LLC a waiver of subsection 67-48.002(95) F.A.C. (2017) and section II.K of the 2016 Qualified Allocation Plan, permitting Petitioner to exchange its 2018 credits for an allocation of 2020 credits with a placed-in-service date of December 31, 2021. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on December 20, 2019 and notice of the receipt of petition was published on December 24, 2019 in Vol. 45, Number 248, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On January 23, 2020, the Florida Housing Finance Corporation issued an order granting HTG Rainbow Housing, LLC a waiver of subsection 67-48.002(95) F.A.C. (2017) and section II.K of the 2016 Qualified Allocation Plan, permitting Petitioner to exchange its 2018 credits for an allocation of 2020 credits with a placed-in-service date of December 31, 2021. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on December 20, 2019 and notice of the receipt of petition was published on December 24, 2019 in Vol. 45, Number 248, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On January 23, 2020, the Florida Housing Finance Corporation issued an order granting Citadelle Village, LLC a waiver of paragraph 67-48.0072(21)(b) F.A.C., granting Petitioner an extension of firm loan commitment deadline from January 31, 2020 to July 31, 2020. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on January 7, 2020 and notice of the receipt of petition was published on January 8, 2020 Vol. 46, Number 05, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On January 23, 2020, the Florida Housing Finance Corporation issued an order granting Reflections Preservation, LP a waiver of Rule 67-21.003(1)(b) F.A.C., granting Petitioner permission to correct the ownership structure, with SMR Revocable Trust as the sole member of SMR Holdings at the third disclosure level and to add Stephen M. Ross as the sole beneficiary of SMR Revocable Trust u/a/d/ 12/12/2013 at the fourth disclosure level, before the MMRB loan closing . Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on December 30, 2019 and notice of the receipt of petition was published on January 3, 2020 Vol. 46, Number 02, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On January 23, 2020, the Florida Housing Finance Corporation

issued an order granting Meridian Preservation, LP a waiver of paragraph 67-21.003(1)(b) F.A.C., granting Petitioner permission to correct the ownership structure, with SMR Revocable Trust as the sole member of SMR Holdings at the third disclosure level and to add Stephen M. Ross as the sole beneficiary of SMR Revocable Trust u/a/d/ 12/12/2013 at the fourth disclosure level, before the MMRB loan closing . Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on December 30, 2019 and notice of the receipt of petition was published on January 3, 2020 Vol. 46, Number 02, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

**Section VI**

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

**DEPARTMENT OF LEGAL AFFAIRS**

The Criminal Punishment Code Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Friday February 7, 2020, 3:00 p.m. until conclusion

PLACE: Teleconference Number: 1(888)585-9008, Passcode: 757-756-300

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scoresheets Subcommittee

A copy of the agenda may be obtained by contacting: Justine Hicks at Justine.Hicks@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Justine Hicks at Justine.Hicks@myfloridalegal.com or by telephone at (850)245-0146.

**DEPARTMENT OF LEGAL AFFAIRS**

The Criminal Punishment Code Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Friday February 11, 2020, 12:00 Noon until conclusion

PLACE: Teleconference Number: 1(888)585-9008; Passcode: 757-756-300

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enhancements Subcommittee

A copy of the agenda may be obtained by contacting: Justine Hicks at Justine.Hicks@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Justine Hicks at Justine.Hicks@myfloridalegal.com or by telephone at (850)245-0146.

**DEPARTMENT OF LEGAL AFFAIRS**

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

DATE AND TIME: Wednesday, February 19, 2020, 3:30 p.m. – 5:00 p.m.

PLACE: DIAL-IN INFORMATION: 1(888)585-9008, PARTICIPANT PASSCODE: 670-537-991

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Opioid Strategy

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com by telephone at (850)245-0140.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Thursday, February 20, 2020, 9:00 a.m. – 10:30 a.m.

PLACE: DIAL-IN INFORMATION: 1(888)585-9008, PARTICIPANT PASSCODE: 670-537-991

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Opioid Strategy

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com by telephone at (850)245-0140.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Thursday, February 20, 2020, 11:00 a.m. – 12:30 p.m.

PLACE: DIAL-IN INFORMATION: 1(888)585-9008, PARTICIPANT PASSCODE: 670-537-991

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Opioid Strategy

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com by telephone at (850)245-0140.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Thursday, February 20, 2020, 2:00 p.m. – 3:30 p.m.

PLACE: DIAL-IN INFORMATION: 1(888)585-9008 & PARTICIPANT PASSCODE: 670-537-991

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Opioid Strategy

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com by telephone at (850)245-0140.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Wednesday, February 19, 2020, 9:30 a.m. – 11:00 a.m.

PLACE: DIAL-IN INFORMATION: 1(888)585-9008, PARTICIPANT PASSCODE: 670-537-991

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Opioid Strategy

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com by telephone at (850)245-0140.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Wednesday, February 19, 2020, 11:30 a.m. – 1:00 p.m.

PLACE: DIAL-IN INFORMATION: 1(888)585-9008, PARTICIPANT PASSCODE: 670-537-991

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Opioid Strategy

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com by telephone at (850)245-0140.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: Wednesday, February 19, 2020, 1:30 p.m. – 3:00 p.m.

PLACE: DIAL-IN INFORMATION: 1(888)585-9008, PARTICIPANT PASSCODE: 670-537-991

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Opioid Strategy

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General Ashley Moody at (850)414-3300. 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: Rachel Kamoutsas at Rachel.Kamoutsas@myfloridalegal.com by telephone at (850)245-0140.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida Agriculture in the Classroom Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 25, 2020, 9:30 a.m.

PLACE: University of Florida’s Straughn Center, 2142 Shealy Dr., Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom Board of Directors will hold a regularly scheduled board meeting.

A copy of the agenda may be obtained by contacting: sponholtz@agtag.org.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

The Division of Licensing announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, January 30, 2020, 10:00 a.m.

PLACE: Call-in: 1(877)309-2073, Access Code: 587-629-061

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of a workgroup convened at the request of the Private Investigation, Recovery, and Security Advisory Council to examine issues related to the validation of authenticity and processing of training documentation.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Stefannie Corbett at Stefannie.Corbett@FDACS.gov or by phone at (850)245-5443.

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: Stefannie Corbett at Stefannie.Corbett@FDACS.gov or by phone at (850)245-5443.

DEPARTMENT OF EDUCATION

The Miami Dade College announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2020, 9:30 a.m.

PLACE: Miami Dade College - Kendall Campus, 11011 SW 104 Street, Miami, FL 33176, Building L, Room L134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Evaluation Committee Meeting to be held related to Request for Proposals (RFP) 2020-RM1-20B - Continuing Education Student Information System - Re-Issuance. Final Recommendation by the Evaluation Committee.

In the event this meeting is cancelled or postponed, notification will be provided and posted on the MDC Website, (www.mdc.edu/purchasing).

Important to note that this procurement process adheres to the "Cone of Silence" as per College Procedure 6600; no verbal or written communication is allowed during this RFP process unless it is exclusively requested by the Purchasing Department to be utilized for evaluation purposes of this RFP selection process.

A copy of the agenda may be obtained by contacting: Miami Dade College, Office of the Purchasing Director, 11011 SW 104 Street, Room 9254, Miami, FL 33176 or by calling (305)237-2402.

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: Roman Martinez, MPA, CPPO, CPPB, Group Director – Purchasing, Phone: (305)237-0012, Fax: (305)237-0737, Email: Rmartin9@mdc.edu.

DEPARTMENT OF LAW ENFORCEMENT

The Criminal and Juvenile Justice Information Systems (CJJIS) Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 29, 2020, 11:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Criminal Justice Data Transparency

A copy of the agenda may be obtained by contacting: RachelTruxell@fdle.state.fl.us.

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

For more information, you may contact: RachelTruxell@fdle.state.fl.us.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

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

DATE AND TIME: June 8, 2020, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd. Ste. 100 Pinellas Park, Florida 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: Wren Krahl, Wren@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, Wren@tbrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl, Wren@tbrpc.org.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2020, 9:00 a.m.

PLACE: 7601 HWY 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at www.swfwmd.state.fl.us/about/calendar/month

A copy of the agenda may be obtained by contacting: Justin J. Eddy, 1(813)985-7481, ext. 4374.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: SWFWMD, Human Resources Bureau Chief at 1(800)423-1476, ext. 4702; TDD (FL only) 1(800)231-6103; or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

The South Florida Water Management District announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, February 3, 2020, 12:00 Noon, Loxahatchee River Preservation Initiative Meeting (LRPI)

**PLACE:** Jupiter Emergency Operations Center, 3133 Washington Street, Jupiter FL 33458

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a public meeting to discuss and consider Loxahatchee River Preservation Initiative business, including current and future projects and activities. All members of the public are invited to attend and provide public comment. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend these meetings. No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: Nestor Garrido, (561)682-6908, ngarrido@sfwmd.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: District Clerk, (561)682-6805. 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: Nestor Garrido, (561)682-6908, ngarrido@sfwmd.gov.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

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

**DATE AND TIME:** February 10, 2020, 9:00 a.m. Until Conclusion of Business

**PLACE:** FDOT Burns Building (Executive Conference Room, Burns Auditorium), 605 Suwannee Street, Tallahassee, FL.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** 9:00 a.m. - CTD Commissioner Summit  
2:00 p.m. - CTD Business Meeting

A copy of the agenda may be obtained by contacting: Lisa O. Stone at lisa.o.stone@dot.state.fl.us or phone (850)410-5721.

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: Lisa O. Stone at lisa.o.stone@dot.state.fl.us or phone (850)410-5721. 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: Florida Commission for the Transportation Disadvantaged at (850)410-5700.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

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

**DATE AND TIME:** February 10, 2020, 1:30 p.m.

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

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

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

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

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

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

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

**DATE AND TIME:** Friday January 31, 2020, 12:00 Noon

**PLACE:** Tel. 1(888)585-9008, Room no. 852 642 835

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (850)588-9628. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: IRB@flhealth.gov.

**DEPARTMENT OF HEALTH**

Division of Emergency Preparedness and Community Support The Emergency Medical Services (EMS) Advisory Council and Constituent Group Meetings announce public meetings to which all persons are invited. announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Tuesday, March 3, 2020, 8:00 a.m. – 6:00 p.m.; Wednesday, March 4, 2020, 8:00 a.m.-6:00 p.m.; Thursday, March 5, 2020, 9:00 a.m. – 3:00 p.m.

**PLACE:** Tampa Convention Center, 333 S Franklin Street, Tampa, Florida 33602

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the EMS Advisory Council and constituent groups.

A copy of the agenda may be obtained by contacting: Bonnie Anderson, Bonnie.Anderson@flhealth.gov.

For more information, you may contact: Bonnie Anderson, Bonnie.Anderson@flhealth.gov.

**POLK STATE COLLEGE KENNETH C. THOMPSON INSTITUTE OF PUBLIC SAFETY**

The Polk State College Kenneth C. Thompson Institute of Public Safety announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, February 13, 2020, 2:00 p.m.

**PLACE:** Polk State College Center for Public Safety, 1251 Jim Keene Blvd., Winter Haven, FL 33880, Room CPS 207

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. Approve Minutes from 8/15/19 meeting
2. Old Business
3. New Business
  - a. Region VIII Course Offerings
  - b. Region VIII FY 18-19 & 19-20 reports
5. Training Issues
6. Other issues

A copy of the agenda may be obtained by contacting: Susanne Mabe, Admin Assistant, Polk State College, KCTIPS, at the address above.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by

contacting: Susanne Mabe, Admin. Assistant, 1(863)669-2908. 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: Susanne Mabe, Admin. Assistant, 1(863)669-2908, or Rick Taylor, Chairman at 1(863)835-6928.

**GRAY ROBINSON**

The South Bay Community Development District announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 7, 2020, 1:00 p.m.

**PLACE:** 536 Bahia Beach Boulevard, Building B First Floor, Ruskin, FL 33570

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with Chapters 120 and 190, Florida Statutes, the South Bay Community Development District (“District”) hereby gives notice of its intention to develop rules relating to prohibiting pedestrians from walking upon certain portions of seawalls within the District. The purpose of the proposed rule is to prohibit pedestrians from walking upon certain portions of seawalls to protect the public and reduce liability of the District consistent with this policy. The effect of the proposed rules is to provide for the public health, safety and welfare of the public within the District, and to provide sufficient revenues to meet expenses and provide services within boundaries of the District.

A copy of the agenda may be obtained by contacting: Copies of the current proposed rule may be obtained by contacting Kathleen Dailey c/o Special District Services, Inc., The Oaks Center, 2501A Burns Road, Palm Beach Gardens, FL 33410.

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 24 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Kathleen Dailey c/o Special District Services, Inc., The Oaks Center, 2501A Burns Road, Palm Beach Gardens, FL 33410.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Rates & Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 11, 2020, 11:00 a.m. ET

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include 2019 reserves; 2020 loss ratio selection; Operations Manual; and review of rates, rating plans & policy forms and associated matters to include application forms.

A copy of the agenda may be obtained by contacting: Ms. Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 12, 2020, 10:00 a.m. ET

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics include minutes approval, review of committee duties, investment marketplace update; portfolio compliance review; and investment policy & guidelines review.

A copy of the agenda may be obtained by contacting: Ms. Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Operations Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 12, 2020, 11:30 a.m. ET

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics include 2020 Business Plan & Forecast and disaster recovery matters.

A copy of the agenda may be obtained by contacting: Ms. Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

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

DATE AND TIME: February 19, 2020, 10:00 a.m. ET

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include minutes approval; legal, legislative & regulatory matters; operations & financial reports; and Committee reports on financial auditor selection; 2020 Business Plan & Forecast; disaster recovery matters; 2019 reserves; 2020 loss ratio selection; Operations Manual; review of rates, rating plans & policy forms and associated matters to

include application forms; review of Investment Committee duties; investment marketplace update; portfolio compliance review; and investment policy & guidelines review.

A copy of the agenda may be obtained by contacting: Ms. Coyne or at www.fwcjua.com.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has received the petition for declaratory statement from John L. Whitehouse. The petition seeks the agency's opinion as to the applicability of paragraph 561.01(4)(a) as it applies to the petitioner.

The petition seeks the agency's opinion as to whether alcohol infused gelatin is subject to the Division's current licensing and regulation as an "alcoholic beverage" defined under paragraph 561.01(4)(a), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Department of Business and Professional Regulation, Agency Clerk's Office, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1183, AGC.filing@myfloridalicense.com.

Please refer all comments to: John Knowles, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 2601 Blair Stone Rd., Tallahassee, Florida 32399, John.Knowles@myfloridalicense.com; DS 2020-007; DBPR Reference # 2020-003468.

Except for good cause shown, motions for leave to intervene must be filed within 21 days of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

NOTICE IS HEREBY GIVEN that Florida Real Estate Commission has issued an order disposing of the petition for declaratory statement filed by Catholic Health Services, Inc., and Catholic Housing for the Elderly & Handicapped, Inc., d/b/a Catholic Housing Management on October 22, 2019. The following is a summary of the agency's disposition of the petition: The Notice of Petition for Declaratory Statement was published in Vol. 45, No. 209, of the October 25, 2019, Florida Administrative Register. The Commission considered the Petition at a duly-noticed public meeting on November 20, 2019 in Orlando, FL. The Petition sought the Commission's opinion on whether Petitioner is exempt from the requirement

of having a real estate license, when providing property management services including maintenance, operations management, and leasing services for Petitioner’s subsidiaries and affiliate companies’ real property pursuant to subsections 475.011(2) and (4), F.S. The Commission Order filed on December 20, 2019, grants the petition. Under the facts and circumstances outlined by the Petitioners, the Commission states that Petitioners are exempt pursuant to subsections 475.011(2) and (4), Florida Statutes, from maintaining a Florida real estate broker or agent license when Petitioners’ salaried employees provide property management services including maintenance, advertising, operations management, and leasing for real property which is owned by the Petitioners’ affiliated companies.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Executive Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801, (850)487-1395 or by email at lori.crawford@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

NOTICE IS HEREBY GIVEN that Board of Chiropractic Medicine has issued an order disposing of the petition for declaratory statement filed by Diane L. Johnson, D.C., on August 19, 2019. The following is a summary of the agency's disposition of the petition: The Notice of Petition for Declaratory Statement was published in Volume 45, No. 167, of the August 27, 2019, Florida Administrative Register. The Board reviewed the Petition as its meeting held on November 8, 2019, in Orlando, FL. The Board’s Order, filed on December 23, 2019, denied the Petition for Declaratory Statement based on its failure to reference statutory and rule provisions directly on point, since it is not clear that petitioner is aware of these provision and would still have questions about the use of her credentials if she had reviewed these provisions.

A copy of the Final Order Denying Petition for Declaratory Statement may be obtained by contacting: Dr. Anthony Spivey, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3255, telephone: (850)488-0595, or by electronic mail – Anthony.Spivey@flhealth.gov.

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

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

OFFICE OF PUBLIC COUNSEL, Petitioner, and FLORIDA INDUSTRIAL POWER USERS GROUP, Intervenor, vs. FLORIDA PUBLIC SERVICE COMMISSION, Respondent, and FLORIDA POWER & LIGHT COMPANY; GULF POWER COMPANY; TAMPA ELECTRIC COMPANY; AND DUKE ENERGY FLORIDA, LLC, Intervenors.; CASE NO.: 19-6137RP; RULE NO.: 25-6.030, 25-6.031; Valid

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 South Florida

Test & Balance Notice for Professional Services

Notice to Professional Consultants

Request for Qualifications

#### NOTICE TO PROFESSIONAL CONSULTANTS REQUEST FOR QUALIFICATIONS

The University of South Florida (USF), announces that continuing professional services are required for the following discipline:

Test & Balance Engineer, minimum of three (3), with the ability to service the University of South Florida campuses and facilities in Tampa, St. Petersburg, and Sarasota/Manatee.

**PROJECT DESCRIPTION:** Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction, and additions to university facilities that have a Test& Balance construction budget that does not exceed \$2,000,000 or survey or studies for which the fee for professional services do not exceed \$200,000. Projects for university facilities may include teaching, research, health, academic, administrative, recreation, and residence life facilities, as well as infrastructure and utility projects. Continuing Service contracts for these projects provide that the Consultant will be available on an as-needed basis for a period of three (3) years. This selection is based on Test & Balance services only. Other services (including architectural, structural, etc.) that may be required for specific projects shall be provided as part of basic services through the selected Consultant based upon project need. Use of USF Continuing Service Consultants by the selected consultant shall be encouraged for other services if required. A Consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing service professionals under contract during the same time period. Blanket professional liability insurance in the amount of \$1,000,000 shall be required for the contract. Services required to be provided under the Continuing Service Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that Consultant to reflect as-built conditions to facilitate the University's space management program. Any new construction projects should have the ability to be USGBC LEED certified, to a minimum certification level of Silver, if required by the Owner, and shall be included as part of basic services and will not be considered as an additional service.

The Test & Balance Consultant contract shall be in compliance with the selection provisions in Section 287.055, Florida Statutes, and Board of Governors Regulation 14.005.

It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation per Section 287.055, Florida Statutes. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) compensation on similar projects; (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the selected firms based upon an hourly/unit costs for services document to be provided at the time of negotiations.

In addition to General Liability and Automobile Liability insurance, Blanket Professional Liability insurance will be required for this Contract in the amount of \$1,000,000 and will be provided as a part of Basic Services.

#### INSTRUCTIONS:

Firms desiring to apply for consideration to provide professional services shall submit a Request for Qualification (RFQ) submittal consisting of the information as required in the Submittal Requirements of the RFQ, including a letter of interest, a completed USF Professional Qualifications Supplement (PQS) for Test and Balance Engineer with attachments, and any required or additional information within the proposal limits as described in the RFQ. Applications on any other form may not be considered. The RFQ and the USF PQS, which includes project information and selection criteria, may be obtained by contacting: Terry Mead, Facilities Management - Design & Construction, University of South Florida, 4202 East Fowler Avenue, OPM 100, Tampa, FL 33620-7550, tmead@usf.edu, 1(813)974-0843.

Requests for any other project information, or any questions, must be submitted in writing to the above e-mail address. Applications which do not comply with the above instructions may be disqualified. Submittal materials will not be returned, as they will be maintained as part of the public record. . An applicant must be properly registered to practice its profession in the State of Florida at the time of application. If the applicant is a corporation it must be chartered by the Florida Department of State to operate in Florida at the time of application.

**PRE-SUBMITTAL MEETING:** All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 10:30 a.m. ET, Friday, February 7, 2020, at the: University of South Florida, Tampa Campus, 3820 USF Holly Drive, OPM 100, Tampa, FL 33620-7550, to review the scope and requirements of this project. Directions and parking information can be obtained at the Campus Information Center at the Fowler entrance, or view the map at website: [www.usf.edu/administrative-services/parking/maps/index.aspx](http://www.usf.edu/administrative-services/parking/maps/index.aspx).

**REQUEST FOR MEETINGS:** Requests for meetings by individual firms will not be granted. No communication shall take place between the applicants and the Selection Committee members, employees of USF, or its Owner Representatives, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting, and in the request for the RFQ, PQS, and written clarifications and questions from the applicant.

**REQUEST FOR INFORMATION:** Requests for any project information, including the PQS and Project Fact Sheet must be submitted in writing or email to: Terry Mead, Administrative Specialist, University of South Florida, Facilities Management - Design & Construction, 4202 East Fowler Avenue / OPM 100, Tampa, FL 33620-7550, email: tmead@usf.edu, 1(813)974-0843.

**SUBMISSION:** One (1) original spiral-bound, one (1) electronic version, and six (6) spiral-bound copies of the submittals are to be submitted to the attention of Terry Mead, Administrative Specialist, University of South Florida, Facilities Management- Design & Construction Office, 3820 USF Holly Drive, OPM 100, Tampa, FL 33620-7550, by 2:00 p.m. ET, Friday, February 21, 2020. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. Submittals that do not comply with the above instructions may be disqualified. Submittals are not to exceed forty (40) numbered, double-sided pages, including the “USF Professional Qualifications Supplement” and letter of interest. The University reserves the right to suspend, discontinue, or cancel the selection process at any time and reject any or all submissions without obligation to the respondent.

**PROJECT SELECTION CRITERIA:**

Selection of finalists for interview will be made on the basis of professional qualifications including experience and ability, design ability, past performance, workload, volume of USF work (including USF Foundation), and location, in meeting the goals and objectives of the project and USF Strategic Plan.

As part of the USF Strategic Plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. USF is an equal opportunity institution, and, as such, strongly encourages the lawful use of Certified Business Enterprise (CBE), including certified Minority (MBE), Women (WBE), and Veteran (VBE) business enterprises, in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or to participate in design and/or construction-related services.

The plans and specifications for the USF projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

As required by Section 287.133, Florida Statutes, a Consultant may not submit a proposal if on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or Consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of being placed on the convicted vendor list.

**FLORIDA A&M UNIVERSITY FACILITIES PLANNING, CONSTRUCTION AND SAFETY**

**Florida A&M University – Viticulture Workroom Renovation INVITATION TO BID**

RAM Construction & Development, LLC. (RAM), SL# CGC-062608, Construction

Manager for the project known as Florida A&M University – Viticulture Workroom Renovation, located in Tallahassee, Florida, is soliciting proposals from pre-qualified trade contractors/vendors for the following bid packages:

- 22A – Plumbing
- 23A – Mechanical
- 26A – Electrical

RAM will receive sealed proposals for these bid packages as prepared by RAM based on Construction Documents by CRA Architects Project Number 18022

All bidders are required to be pre-qualified prior to submitting a proposal. Drawings and specifications will be available for distribution from the following reprographic establishments: Seminole Blueprint and The Blueprint Shop (both located in Tallahassee, FL.) For access to construction bid documents, please contact Jason Holder at estimator@ramflorida.com or at (850)671-7267.

Prebid questions are due by Tuesday, December 31, 2019. Sealed proposals will be received by RAM, at our corporate office, until the time listed below. Proposals will be publicly opened and read aloud. Proposals received after this time will not be accepted and will be returned to the bidder unopened.

**BID OPENING:** Thursday, January, 9th 2020, 2:00 p.m. ET. RAM reserves the right to accept or reject any/all proposal(s) in the best interest of Florida A&M University and/or RAM.

Run dates will be: 12/22, 12/29

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, January 17, 2020 and 3:00 p.m., Thursday, January 23, 2020.

Rule No.	File Date	Effective Date
53ER20-7	1/23/2020	1/23/2020
53ER20-8	1/23/2020	1/23/2020
53ER20-9	1/23/2020	1/23/2020
61G5-25.004	1/22/2020	2/11/2020
61G5-32.001	1/17/2020	2/6/2020
61G7-5.006	1/23/2020	2/12/2020
61J1-4.005	1/22/2020	2/11/2020
61J1-10.003	1/22/2020	2/11/2020
64ER20-1	1/21/2020	1/21/2020
64ER20-2	1/21/2020	1/21/2020
64ER20-3	1/21/2020	1/21/2020
64ER20-4	1/21/2020	1/21/2020
64ER20-5	1/21/2020	1/21/2020
64ER20-6	1/21/2020	1/21/2020
64ER20-7	1/22/2020	1/22/2020
64ER20-8	1/22/2020	1/22/2020
64ER20-9	1/22/2020	1/22/2020
64ER20-10	1/22/2020	1/22/2020
64ER20-11	1/22/2020	1/22/2020
64ER20-12	1/22/2020	1/22/2020
64ER20-13	1/22/2020	1/22/2020
64B15-19.002	1/23/2020	2/12/2020
64B15-19.007	1/23/2020	2/12/2020
68D-24.018	1/21/2020	2/10/2020
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****

60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

Notice of Florida Building Code Binding Interpretation

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN THAT the Binding Interpretation Panel has issued a binding interpretation pursuant to Section 553.775, Florida Statutes, in response to the petition submitted by Bill Johnson, and accepted by BOAF on January 8, 2020. The following is a summary of the interpretation:

Question: Can the petitioner use planters as per the diagram(s) provided to make adjustments to grade from an open sided walking surface to be 30” or less measured vertically to the floor or grade below at any point within 24” horizontally to the edge of the open side as a means of achieving the necessary elevation as allowed by FBC section 312.1.1 to eliminate the need for guards?

Answer:

With respect to the planter option wall section 30 inches or less (above the grade below), yes, this option does comply with the specific provisions of section R312.1.1.

With respect to the planter option wall section greater than 30 inches (above the grade below), yes, this option does comply with the specific provisions of section R312.1.1.

A copy of the Interpretation may be obtained from [https://floridabuilding.org/bi/bi\\_bind\\_interp\\_srch.aspx](https://floridabuilding.org/bi/bi_bind_interp_srch.aspx), or by contacting the Codes and Standards section at (850)487-1824.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

**Quarterly List of Qualified Public Depositories**

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF TREASURY

BUREAU OF COLLATERAL MANAGEMENT

PUBLIC DEPOSITS SECTION

\*\*\*\*\*  
 FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH

THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

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**ALABAMA**

**ANDALUSIA**  
CCB COMMUNITY BANK

**ATMORE**  
UNITED BANK

**BIRMINGHAM**  
BBVA USA  
REGIONS BANK

**HOMEWOOD**  
SERVISFIRST BANK

**HUNTSVILLE**  
PROGRESS BANK AND TRUST

**ARKANSAS**

**CONWAY**  
CENTENNIAL BANK

**DELAWARE**

**WILMINGTON**  
PNC BANK, N.A.  
TD BANK, N.A.

**FLORIDA**

**ARCADIA**  
CREWS BANK & TRUST

**BELLE GLADE**  
BANK OF BELLE GLADE

**BOCA RATON**  
LEGACY BANK OF FLORIDA  
PARADISE BANK

**CHIEFLAND**  
DRUMMOND COMMUNITY BANK

**CLEARWATER**  
FLAGSHIP BANK

**CLEWISTON**  
FIRST BANK

**CORAL GABLES**  
AMERANT BANK, N.A.  
BAC FLORIDA BANK  
BANESCO USA  
PROFESSIONAL BANK

**DADE CITY**  
FIRST NATIONAL BANK OF PASCO

**DELAND**  
MAINSTREET COMMUNITY BANK OF FLORIDA  
SURETY BANK

**DORAL**  
U.S. CENTURY BANK

**ENGLEWOOD**  
ENGLEWOOD BANK & TRUST

**FORT MYERS**  
EDISON NATIONAL BANK  
FINEMARK NATIONAL BANK & TRUST

**FORT WALTON BEACH**  
BEACH COMMUNITY BANK  
FIRST CITY BANK OF FLORIDA \*  
FNBT BANK

**FROSTPROOF**

CITIZENS BANK AND TRUST

**GRACEVILLE**

PEOPLES BANK OF GRACEVILLE

**INVERNESS**

BRANNEN BANK

**JACKSONVILLE**

FLORIDA CAPITAL BANK, N.A.  
TIAA, FSB DBA EVERBANK

**JUNO BEACH**

ANCHOR BANK

**KEY WEST**

FIRST STATE BANK OF THE FLORIDA KEYS

**LAKE CITY**

COLUMBIA BANK  
FIRST FEDERAL BANK

**LAKELAND**

BANK OF CENTRAL FLORIDA

**MADISON**

MADISON COUNTY COMMUNITY BANK

**MAITLAND**

AXIOM BANK, N.A.  
FIRST COLONY BANK OF FLORIDA

**MAYO**

LAFAYETTE STATE BANK

**MERRITT ISLAND**

COMMUNITY BANK OF THE SOUTH

**MIAMI**

APOLLO BANK  
CITY NATIONAL BANK OF FLORIDA  
EASTERN NATIONAL BANK  
EXECUTIVE NATIONAL BANK  
GROVE BANK & TRUST  
INTERNATIONAL FINANCE BANK  
OCEAN BANK  
PACIFIC NATIONAL BANK  
SUNSTATE BANK  
TERRABANK, N.A.

**MIAMI LAKES**

BANKUNITED, N.A.

**MOUNT DORA**

FIRST NATIONAL BANK OF MOUNT DORA, THE

**NAPLES**

FIRST FLORIDA INTEGRITY BANK

**NICEVILLE**

PNB COMMUNITY BANK

**OAKLAND PARK**

AMERICAN NATIONAL BANK

**ORLANDO**

ONE FLORIDA BANK  
SEASIDE NATIONAL BANK & TRUST

**OVIEDO**

CITIZENS BANK OF FLORIDA

**PALM COAST**

INTRACOASTAL BANK

**PANAMA CITY**

FIRST NATIONAL BANK NORTHWEST FLORIDA

**PENSACOLA**

BANK OF THE SOUTH

**PORT CHARLOTTE**

CHARLOTTE STATE BANK & TRUST

**ST. PETERSBURG**

FIRST HOME BANK  
RAYMOND JAMES BANK, N.A.

**SEBRING**

HEARTLAND NATIONAL BANK

**SOUTH MIAMI**

FIRST NATIONAL BANK OF SOUTH MIAMI

**STARKE**

COMMUNITY STATE BANK

**STUART**

SEACOAST NATIONAL BANK

**TALLAHASSEE**

CAPITAL CITY BANK  
PRIME MERIDIAN BANK

**TAMPA**

BANK OF TAMPA, THE  
CENTRAL BANK  
FIRST CITRUS BANK  
PILOT BANK

**THE VILLAGES**

CITIZENS FIRST BANK

**UMATILLA**

UNITED SOUTHERN BANK

**VERO BEACH**

MARINE BANK & TRUST COMPANY

**WAUCHULA**

FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

**WEST PALM BEACH**

FIRST BANK OF THE PALM BEACHES  
FLAGLER BANK

**WINTER HAVEN**

CENTERSTATE BANK, N.A.

**WINTER PARK**

WINTER PARK NATIONAL BANK

**GEORGIA**

**ALMA**

PINELAND BANK

**ATLANTA**

CADENCE BANK, N.A.

**COLQUITT**

PEOPLESSOUTH BANK

**COLUMBUS**

SYNOVUS BANK

**DARIEN**

SOUTHEASTERN BANK

**JONESBORO**

HERITAGE SOUTHEAST BANK

**MOULTRIE**

AMERIS BANK

**WAYCROSS**

FIRST SOUTHERN BANK

**ILLINOIS**

**CHAMPAIGN**

BUSEY BANK

**CHICAGO**

BMO HARRIS BANK, N.A.  
NORTHERN TRUST COMPANY, THE

**IOWA**

**IOWA CITY**

MIDWESTONE BANK

**KENTUCKY**

**LOUISVILLE**

REPUBLIC BANK & TRUST COMPANY

**LOUISIANA**

**LAFAYETTE**

IBERIABANK

**PLAQUEMINE**

ANTHEM BANK & TRUST

**MASSACHUSETTS**

**BOSTON**

ONEUNITED BANK

**MISSISSIPPI**

**FOREST**

COMMUNITY BANK OF MISSISSIPPI

**GULFPORT**

HANCOCK WHITNEY BANK

**HATTIESBURG**

THE FIRST, A NATIONAL BANKING ASSOCIATION

**JACKSON**

TRUSTMARK NATIONAL BANK

**TUPELO**

BANCORPSOUTH BANK  
RENASANT BANK

**NEW JERSEY**

**PASSAIC**

VALLEY NATIONAL BANK

**NEW YORK**

**GLENNVILLE**

TRUSTCO BANK

**NEW YORK CITY**

BANK LEUMI USA  
POPULAR BANK

**NORTH CAROLINA**

**CHARLOTTE**

BANK OF AMERICA, N.A.  
TRUIST BANK

**OHIO**

**CINCINNATI**

FIFTH THIRD BANK  
U.S. BANK N.A.

**COLUMBUS**

JPMORGAN CHASE BANK, N.A.

**SOUTH DAKOTA**

**SIOUX FALLS**

CITIBANK, N.A.  
WELLS FARGO BANK, N.A.

**TENNESSEE**

**MEMPHIS**

FIRST HORIZON BANK

**PIGEON FORGE**

SMARTBANK

**TEXAS**

**COLLEGE STATION**

AMERICAN MOMENTUM BANK

**PUERTO RICO**

**SAN JUAN**

FIRSTBANK PUERTO RICO

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THE FOLLOWING IS A LIST OF INSTITUTIONS THAT  
HAD A CHANGE SINCE THE LAST PUBLICATION OF  
THIS REPORT.  
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**COMMUNITY BANK & TRUST OF FLORIDA**

OCALA, FLORIDA

COMMUNITY BANK & TRUST OF FLORIDA, A QPD  
WITH A HOME OFFICE LOCATED IN OCALA, FLORIDA  
WAS MERGED INTO MIDFLORIDA CREDIT UNION, A  
NON-QPD WITH A HOME OFFICE LOCATED IN  
LAKELAND, FLORIDA EFFECTIVE NOVEMBER 8, 2019.  
A CREDIT UNION IS NOT ELIGIBLE TO BE A QPD

**CONTINENTAL NATIONAL BANK**

MIAMI, FLORIDA

CONTINENTAL NATIONAL BANK, A QPD WITH A  
HOME OFFICE LOCATED IN MIAMI, FLORIDA WAS  
MERGED WITH AND INTO FIRST AMERICAN BANK, A  
NON-QPD WITH A HOME OFFICE LOCATED IN ELK  
GROVE VILLAGE, ILLINOIS EFFECTIVE OCTOBER 23,  
2019. FIRST AMERICAN BANK AUTOMATICALLY  
BECAME A QPD WITH THIS MERGER AND HAD 90  
DAYS FROM THE DATE OF THE MERGER TO  
COMPLETE THE REQUIRED PAPERWORK.

**FIRST AMERICAN BANK**

ELK GROVE VILLAGE, ILLINOIS

FIRST AMERICAN BANK, A NON-QPD WITH A HOME  
OFFICE LOCATED IN ELK GROVE VILLAGE, ILLINOIS  
AUTOMATICALLY BECAME A QPD WITH THE  
ACQUISITION/MERGER OF CONTINENTAL NATIONAL  
BANK A QPD WITH A HOME OFFICE LOCATED IN  
MIAMI, FLORIDA EFFECTIVE OCTOBER 23, 2019. FIRST  
AMERICAN BANK HAD 90 DAYS TO COMPLETE THE  
REQUIRED PAPERWORK TO REMAIN A QPD OR  
VOLUNTARILY WITHDRAW FROM THE PROGRAM.  
THEY CHOSE TO VOLUNTARILY WITHDRAW AND  
ESTABLISHED AN EFFECTIVE DATE OF  
WITHDRAWAL OF JANUARY 13, 2020. THEY

COMPLETED ALL REQUIREMENTS TO VOLUNTARILY WITHDRAW FROM THE PROGRAM AND WERE INACTIVATED ON JANUARY 21, 2020.

**FIRST FLORIDA BANK**

DESTIN, FLORIDA

FIRST FLORIDA BANK, A QPD WITH A HOME OFFICE LOCATED IN DESTIN, FLORIDA WAS MERGED WITH AND INTO THE FIRST, A NATIONAL BANKING ASSOCIATION, A QPD WITH A HOME OFFICE LOCATED IN HATTIESBURG, MISSISSIPPI EFFECTIVE AFTER THE CLOSE OF BUSINESS OCTOBER 31, 2019.

**FIRST TENNESSEE BANK, N.A.**

MEMPHIS, TENNESSEE

FIRST TENNESSEE BANK, N.A., A QPD WITH A HOME OFFICE LOCATED IN MEMPHIS, TENNESSEE CHANGED ITS NAME TO FIRST HORIZON BANK AND ITS CHARTER FROM A NATIONAL BANK TO A STATE CHARTED BANK EFFECTIVE AFTER THE CLOSE OF BUSINESS ON OCTOBER 25, 2019.

**SUNTRUST BANK**

ATLANTA, GEORGIA

SUNTRUST BANK, A QPD WITH A HOME OFFICE LOCATED IN ATLANTA, GEORGIA WAS MERGED WITH AND INTO BRANCH BANKING AND TRUST COMPANY (BB&T), A QPD WITH A HOME OFFICE LOCATED IN WINSTON SALEM, NORTH CAROLINA EFFECTIVE AFTER THE CLOSE OF BUSINESS DECEMBER 6, 2019. BB&T CHANGED ITS NAME TO TRUIST BANK AND THEIR HOME OFFICE LOCATION TO CHARLOTTE, NORTH CAROLINA.

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**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.

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