

amendments also impose clear consequences and timelines for deficiencies noted during the relicensing renewal process. A specific type of provisional license is dedicated for this purpose and cannot be issued for more than 6 months. The proposed rules establish a disciplinary chart aligning with leading practices identified through research and development, clearly identifying penalties for certain types of violations. These proposed changes will include additional types of required reportable incidents to adjust to current environmental threats and trend analysis. Examples include: reporting of suspected or known cases of human trafficking, clients left in vehicles unattended, voluntary commitment to mental health services, and injuries sustained by caregivers in the course of service delivery. The proposed rule amendments clarify timeframes responsible parties for initial incident reporting and expectations for incident follow-up. The proposed rules also establish minimum standards for protocols related to providers accused of verified findings of abuse, neglect, and exploitation. The proposed rule amendments include additional changes specifically for licensed residential providers: Requires licensees to receive prior approval prior to accepting new residents; Clarifies requirements in reporting timeframes for changes on a current resident census depending on circumstance; Increases requirements for safeguards for residents who have sexually aggressive behaviors; Changes to video monitoring preserving individual rights and privacy, specifying video retention requirements, with considerations for fiscal impacts to businesses.

SUBJECT AREA TO BE ADDRESSED: License Application and Renewal Procedures, Creation of Provisional and Conditional License types, Change of Ownership, Length of Licenses, Agency Monitoring and Oversight, License Violations – Non-Disciplinary Actions, License Violations – Disciplinary Actions, creation of a Disciplinary Chart in lieu of violation classes, Updated incident management form, License Denial, Suspension or Revocation, Licensed Residential Facility Capacity, General Residential Facility Standards, Foster Care Facility Standards, Group Home Facility Standards, Residential Habilitation Center Standards, Adult Day Training Program Standards, Staffing Requirements for Residential Facilities, Resident Care and Supervision Standards, Fire and Emergency Procedures, repeal of the obsolete Comprehensive Transitional Education Program Standards, Siting, and repealing the Health Safety Standards for Licensed Facilities rule and transferring its provisions to other rules.

RULEMAKING AUTHORITY: 393.066(8), 393.0662(15), 393.067(1), 393.067(7), 393.0673(8), 393.501(1), 393.506(6), F.S.

LAW IMPLEMENTED: 393.0655, 393.066, 393.0662, 393.067, 393.0673, 393.13, 393.135, 393.18, 393.501, 393.506, F.S.

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

DATE AND TIME: July 11, 2025, 10:00 a.m. – 11:00 a.m.

PLACE: The workshop will be held virtually via Go To Webinar.

<https://attendee.gotowebinar.com/register/7401304696323550302>

Webinar ID 688-417-259

Participants can use their telephone or computer mic & speakers (VoIP).

United States +1 (213)929-4221

United States Toll Free 1(877)568-4108

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leslie Bryson, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, (850)922-4464, Leslie.Bryson@apdcares.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-2.002 License Application and Renewal Procedures.

(1) No change.

(2) Application. All applications for initial licensure as well licensure renewal must be submitted using License Application form 65G-2.002-A <http://www.flrules.org/Gateway/reference.asp?No=Ref-17797> (February 2025), which is incorporated herein by reference. A copy of this form may be obtained by contacting the Agency regional office. The Agency shall review license applications in compliance with the requirements of section 120.60, F.S.

(3) License renewals. An application for the renewal of license must be submitted to the Agency at least 45 days prior to the expiration of the current license. The licensee shall submit an application for license renewal to the Regional Office at least 45 days prior to the expiration of the prior license. Failure to submit a complete application at least 45 days prior to the expiration of the prior license shall be considered a Class III violation. No fine shall be imposed if the renewal application is received between 30 and 45 days prior to expiration.

(a) A license is deemed to have been terminated upon the date of its expiration unless the Agency has received a complete application for renewal of that license prior to the expiration date.

(b) If the Agency receives an application to renew a license after its expiration date, the Agency shall consider it to be an application for an initial license rather than an application for license renewal.

(c) If an application for renewal has been submitted to the Agency but has not been completed prior to the date of expiration, the Agency may issue a provisional or conditional license until the renewal process is completed.

(4) The Agency shall consider the following factors when reviewing an application for an initial license or license renewal. ~~prior licensing sanctions against a facility licensee, applicant, owner, or manager when reviewing whether to grant a facility a license. This may also include consideration of whether a licensee, applicant, owner, or manager has previously been determined guilty of operating an unlicensed assisted living facility pursuant to Section 429.08, F.S. In making a determination under this subsection with respect to an applicant, licensee, owner or manager with prior sanctions, the Agency will consider the nature and seriousness of any violation for which a sanction was imposed, the type of sanction imposed including the amount of any applicable fine imposed, the number of prior sanctions, compliance with any conditions or requirements of any sanction and the length of time the facility has operated without any violation since the most recent violation for which a sanction was imposed. In making a determination under this subsection with respect to a licensee, applicant, owner or manager who has been determined guilty of operating an unlicensed assisted living facility, the Agency will consider whether the person at any time operated the assisted living facility with a proper license under Section 429.07, F.S., the length of time for which the facility operated with a license, and the length of time the facility was operated with an expired license.~~

(a) Prior disciplinary action against an applicant or controlling interest including:

1. the nature and seriousness of any violation for which a sanction was imposed;
2. the type of disciplinary action imposed, including the amount of any applicable fine imposed;
3. the number of prior disciplinary actions;
4. compliance with any conditions or requirements of any disciplinary action;

5. the length of time the applicant operated a facility or program without any violation since the most recent violation for which a disciplinary action ~~sanction~~ was imposed; and

6. any failure by the applicant or controlling interest to comply with any settlement agreement with the Agency.

(b) If a licensee, applicant, owner, manager, or controlling entity has previously been determined to have operated a facility or program without a license, when a license was required by Florida Statutes or by rule the length of time during which the facility or program operated without a license, which includes licenses that have expired.

(c) If a licensee or controlling entity has had a license to operate a facility or program revoked by a state agency, including the:

1. license revocation; and
2. length of time that has passed since license revocation.

(d) Whether a licensee or controlling entity has received a bankruptcy order of discharge.

(e) Whether the Department of Children and Families has verified that the applicant or employee of the applicant is responsible for abuse, neglect, exploitation, or abandonment of a child or the abuse, neglect, or exploitation of a vulnerable adult in any health care setting.

(f) Whether the Agency has determined that there is clear and convincing evidence that the applicant is unqualified for a license because of a lack of good moral character. For purposes of this paragraph, the term "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for state and federal law.

(g) Any failure by the licensee to notify the Agency about a change in ownership in accordance with Rule 65G-2.0021, F.A.C.

(h) Whether there has been any prior disciplinary action under the license being renewed, this includes any prior disciplinary actions and verified findings against either the licensee or the licensee's employees. This includes disciplinary action taken in accordance with section 393.0673(2), F.S.

(i) Whether a prior license was relinquished after notification to the licensee of:

1. an investigation for disciplinary action, or
2. disciplinary action that has been initiated or pending.

(5) No change.

(6) A license shall be valid for the dates specified on the license ~~but shall not exceed 1 year~~. A license which has not been renewed prior to the expiration date is invalid and the facility shall be considered unlicensed except as otherwise provided under ~~s~~Section 120.60(4), F.S.

(7) Each facility or program regardless of whether it is owned and managed under a single individual, partnership, association, joint venture, company, sole proprietorship, corporation, limited liability corporation, or professional limited liability corporation must operate under a separate and distinct license. A license to operate a facility or program is not assignable and is valid only for the applicant identified on the application, and for the premises and purposes specified on the license.

(8) Prior to issuing an initial license or renewing an existing license, the facility or program must be inspected by the Agency in accordance with Rule 65G-2.0032, F.A.C., to ensure that the facility or program meets the physical and safety standards of this chapter. Any deficiencies identified during the site inspection must be remediated by the applicant and the Agency must have confirmed the successful remediation prior to the issuance of a license or license renewal. The licensee must give at least 30 days' notice to the Regional Office in writing prior to the license's intent to close a licensed facility or program, intent to discontinue responsibility for the management of a licensed facility or program, or intent to sell or lease the facility or program to another owner or operator. The applicant's failure to provide adequate and timely notice of a facility's or program's intent to close or the applicant's intent to sell or lease a facility or program shall be considered during the review of future license applications by the applicant.

(a) Notice of a licensee's intent to close that is delivered to the Agency between 20 and 30 days prior to the closure of the facility or program shall be considered a Class III violation for each resident or participant.

(b) Notice of a licensee's intent to close that is delivered to the Agency between 10 and 19 days prior to the closure of the facility or program shall be considered a Class II violation for each facility resident or participant.

(c) Notice of a facility's or program's intent to close that is provided less than 10 days prior to the closure of the facility or program shall be considered a Class I violation for each facility resident or participant.

(9) The licensee must give at least 30 days written notice to the Agency prior to the licensee's intent to close a licensed facility or program. Each facility or program owned and managed under a single corporation, firm, partnership or association must operate under a separate and distinct license.

(10) No change.

(11) No facility or program licensed under this chapter shall provide services to non-citizens without a legal residency status.

(12)(14) No change.

Rulemaking Authority 393.066(8), 393.0662(15), 393.067(1), 393.067(7), 393.501(1) FS. Law Implemented 393.0655, 393.067, 393.0673, 393.13 FS. History—New 7-23-14, Amended 2-27-25.

65G-2.0021 Change of Ownership.

(1) A license to operate a facility or program is not assignable or transferable and is valid only for the entity, premises, and purposes specified on the license.

(2) The transferring facility or program is the licensee, and the receiving or transferee facility or program is the applicant.

(3) A change of ownership of a facility or program is not a transfer of the license itself consistent with Rule 65G-2.002, F.A.C.

(4) The licensee and applicant are jointly responsible for notifying the Agency 90 Days prior to the intended Change of Ownership. Failure to notify the Agency will result in disciplinary action. The notice shall include:

(a) effective date of closure, transfer, or purchase;

(b) name of the licensee;

(c) name of the new entity, if applicable;

(d) signature of the licensee; and

(e) copy of any business agreement(s), purchasing agreement(s), or other changes of ownership agreement(s) between the licensee and the applicant.

(5) Copies of the notice must be provided to the licensee, the applicant, and the Agency.

(6)(a) The applicant's failure to provide adequate and timely notice of a facility's or program's intent to take over operation of the facility or program shall be considered during the review of the applicant's initial application by the receiving facility or program or controlling interest, including whether there are any residents or participants remaining in the facility or program.

(b) The licensee's failure to provide adequate and timely notice of a facility's or program's intent to complete a change of ownership under this rule shall be considered during the review of any future applications of the transferring facility or program or controlling interest, including whether there are any residents or participants remaining in the facility or program.

(7) A person or entity that has received the business ownership of a facility or program by way of a transfer must still submit an application for licensure and receive a license before it may operate as a facility or program under section 393.067, F.S.

(8) The applicant, or receiving facility or program, must submit a license application to the Agency 60 days prior to the intended Change of Ownership.

(a) A license application must include the effective date of the change of ownership.

(b) The change of ownership effective date cannot be prior to the date the application is received and approved by the Agency.

(c) Failure to submit an application for licensure prior to the effective date of a change of ownership to a different legal entity constitutes unlicensed activity.

(d) Both the licensee and applicant facility or program are jointly and severally liable under this rule chapter for any lapse in the continuity of care due to an improper change in ownership as outlined in this rule.

(e) All required application documents and information must be received with the application or within 21 days of the

request by the Agency with the exception of the transferee's proof of a written right to occupy, which includes and is not limited to, a lease, contract for sale of the property, or other written record of the right to occupy.

(9) When the licensee's license application is submitted for renewal, the pending renewal will be administratively withdrawn from review if the applicant's initial application is approved with an effective date prior to the expiration of the licensee's license.

(10) Expiration of the licensee's license prior to the approval of the applicant's initial license application, when no renewal application has been submitted, may result in the denial of an applicant's initial license application.

(11) If the applicant has not been issued the license on the effective date of the change of ownership, documentation must be submitted by the licensee that provides for continuation of operation of the licensee for those days between the date of the change of ownership and the date the applicant is licensed by the Agency.

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

Rulemaking Authority 393.066(8), 393.0662(15), 393.067(1), 393.067(7), 393.501(1) F.S. Law Implemented 393.066, 393.0662, 393.0655, 393.067, 393.0673 F.S. History—New _____.

65G-2.003 Length of Licenses.

The Agency shall determine the length of a program or facility's license based on the following:

(1) No change.

(2) A license which has been renewed shall be issued for a period specified therein with an effective date being the date of the expiration of the previous license. Residential facilities with no current residents but which meet all applicable licensing standards shall be granted a one year license. However, such facilities shall have an on-site licensure review by the Regional Office within 30 days following the admission of their first resident to ensure that they are in compliance with the requirements of Chapter 393, F.S., and with the requirements of this rule chapter which could not be previously monitored.

(3) A license which has not been renewed prior to the expiration date is invalid and the facility or program shall be considered unlicensed except as otherwise provided under section 120.60(4), F.S. A one-month license shall be issued to facilities or programs that are awaiting administrative actions by the Agency or another state agency in order to complete requirements for Agency licensing. This shall include facilities or programs that are pursuing administrative or judicial appeals of Agency action and facilities or programs which are pending a fire inspection. Subsequent and consecutive one month

licenses shall be issued if the matter has not been resolved within the initial one month licensure period.

(4) Provisional License. A three-month license shall be issued to an existing facility or program which does not have any ongoing Class I violations, but fails to meet all requirements necessary for license renewal, for which no waiver has been approved by the Agency. A three-month license shall be accompanied by an approved plan of correction. Failure to complete the actions specified in the plan of correction within the time limit specified in the plan shall result in the denial of the facility's or program's application for license renewal.

(a) If an administrative action is filed on a license that has a pending renewal application, any timeframe affecting approval of the application is tolled under section 120.60(1), F.S. the deficiencies have been corrected at the expiration of the three-month license, and there are no other outstanding deficiencies, a one-year license shall be issued.

(b) If a license expires while an administrative action or investigation or review is pending, the Agency shall issue a provisional license. The provisional license will expire when the Agency action is final or the end date of the provisional license, whichever occurs first. The provisional license does not affect the revocation or denial action or constitute a defense on behalf of the licensee or applicant. the previously identified deficiencies have been corrected but new deficiencies are identified, a second three-month license may be issued.

(c) The Agency may issue a provisional license if, at the time of license renewal, the licensee is found to have uncorrected deficiencies. A third consecutive three-month license shall only be granted at the approval Agency's Director or the Director's designee and shall only be granted if the licensee has made substantial progress to correct the facility's or program's remaining deficiencies. If the facility or program is not in full compliance with all licensing standards prior to the expiration of their third consecutive three-month license, the licensee's application for license renewal shall be denied.

(d) The issuance of a provisional license shall be contingent upon Agency approval of a written Corrective Action Plan which includes corrective steps that will be taken to eliminate the deficiencies and a timetable for correction of the deficiencies by the expiration date of the provisional license.

(e) A provisional license shall be issued by the Agency only for the amount of time necessary to comply with applicable licensing standards and license renewal procedures, not to exceed three months.

(f) A provisional license shall be revoked, and license renewal denied, if subsequent follow-up monitoring by the Agency finds the persistence of the previously identified deficiencies in applicable licensing standards.

(g) If the deficiencies identified in the Corrective Action Plan have been corrected at the expiration of the provisional license and there are no other outstanding deficiencies, a new license may be issued in accordance with subsection (1) from the date of the expiration of the previous license that was issued under subsection (1).

(h) If the previously identified deficiencies have not been corrected within the three-month provisional license, upon good cause shown by the licensee, the Agency may grant up to one additional provisional license.

(i) A licensee shall not receive a provisional license on consecutive license renewals.

(j) Additional violations occurring while a facility is operating under a provisional license shall result in the denial of the application for license renewal or license revocation.

(k) A license shall not be issued to any facility or program while its license is suspended.

(5) Conditional License. The Agency may issue a license that includes such reasonable conditions as are authorized by law. A license shall not be issued to any facility or program whose license has been suspended on an emergency basis.

(6) The issuance of a license does not constitute a waiver of any statutory or rule violations by the licensee and does not prevent the Agency from seeking administrative disciplinary action ~~sanctions~~ against the licensee for violations committed by the licensee, that occurred during the term of previous licenses, up to a period of two years, for the same facility or program.

(7) A violation of any of the conditions imposed on a license shall result in disciplinary action up to and including license revocation.

~~(8)~~(7) No change.

Rulemaking Authority 393.067(1), 393.067(7), 393.0673(8), 393.501(1) FS. Law Implemented 393.067, 393.0673 FS. History—New 8-13-78, Formerly 10F-6.05, 10F-6.005, 65B-6.005, Amended 7-1-14, 2-27-25, ____.

65G-2.0032 Agency Monitoring and Oversight.

(1) The Agency shall conduct ongoing monitoring of ~~monitor~~ each facility or program prior to the issuance of an initial license or the renewal of an existing license. In addition, the Agency shall conduct ongoing monitoring of each facility or program, either unannounced or announced, in order to ensure the facility or program is in full compliance with the applicable requirements of Chapter 393, F.S., and Agency the administrative rules adopted pursuant to Chapter 393, F.S. Each monitoring checklist shall be verified by the signature of the most senior facility or program staff member present during the monitoring. The Agency may temporarily suspend monitoring for a specific time or location if the Agency determines that:

(a) A recent, impending, or ongoing disaster or emergency situation has made the monitoring unsafe or impossible;

(b) The residential facilities identified have no current residents, and may be monitored on a less frequent basis, or

(c) Monitoring should be suspended within a designated area or timeframe to promote the health, safety, or welfare of the public.

(2) through (3) No change.

(4) Licensees and employees of the licensee must permit any Agency staff or designated agent of the State of Florida, who presents proper State of Florida-issued identification, to enter and inspect any part of any facility or program building or to inspect records relating to the operation of the facility or program or the provision of client care at any time that staff, management, owners, directors, or residents, or participants are present. A violation of this subsection shall constitute a Class II violation.

(a) Agency staff or its designee shall be permitted to obtain any documents related to the operation of the facility or program for those residents or participants.

(b) Agency staff or its designee shall be permitted to obtain photographs, video recordings or other methods of memorialization, of the residence or program site, the condition therein, and the condition of the residents or participants.

(5) Upon the Agency's request, the licensee must make available documentation relating to the licensee's financial ability to continue operations of the facility or program in accordance with the requirements of chapter 65G-2, F.A.C., for up to 60 days without dependence upon payment from the state or other third-party fees from facility residents. Such documentation shall include bank account statements, pay stubs, documentation of a line of credit, or any other documents which would demonstrate the current ability of the licensee to continue operations.

(6) Licensees and employees shall afford Agency staff the opportunity to observe any safety drills or protocols to verify the effectiveness and efficiency of evacuations.

(7) The Agency may temporarily suspend monitoring for a specific time or location if the Agency determines that a recent, impending, or ongoing disaster, or emergency situation has rendered monitoring unsafe or impossible.

(8) Licensees shall have an on-site licensure review by the Agency within 30 days following the admission of their first resident or participant to ensure that they are in compliance with the requirements of chapter 393, F.S., and chapter 65G-2, F.A.C.

(9) Any records or documents that a licensee is required to provide or maintain shall be accurate and shall not include any false or misleading information.

(10) A licensee or applicant shall not make willful or intentional misstatements, orally or in writing, to intentionally

mislead Agency staff, the Department of Children and Families, or law enforcement in the performance of their duties.

(11)(5) No change.

Rulemaking Authority 393.067(1), 393.067(7), 393.0673(8), 393.501(1) FS. Laws Implemented 393.067, 393.0673 FS. History—New 7-1-14, Amended 2-27-25,_____.

65G-2.004 License Violations - Non-Disciplinary Actions.

(1) Notice of Noncompliance. The Agency shall issue a Notice of Noncompliance as provided under Section 120.695, F.S., in response to the first occurrence of a Class II or III violation that is not corrected prior to the completion of the on-site monitoring which identified the aforementioned violation. Within 15 days following receipt of a Notice of Noncompliance, the licensee must submit a written Corrective Action Plan, to the regional office. Failure to submit a Corrective Action Plan within the required timeframe or repeat occurrences of Class II or III violations shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C. For the purposes of this subsection, a first occurrence of a Class II or III violation refers to those violations which have not been previously observed and cited by Agency staff within the past 12 months.

(a) The Agency shall issue a Notice of Noncompliance as provided under section 120.695, F.S., in response to the first occurrence of a minor violation unless corrected before the completion of the on-site monitoring which identified the minor violation.

(b) The Agency shall include at a minimum the following with a Notice of Noncompliance:

1. The specific rule that is being violated;
2. Information on how to comply with the rule, which may include directions for the licensee to formulate a Corrective Action Plan as set forth in subsection (2); and
3. A specific time frame within which the licensee must take corrective action to come into compliance with the rule.

(2) Corrective Action Plan. The licensee must develop and submit to the Agency a Corrective Action Plan within 15 days following the receipt of a Notice of Noncompliance. The Corrective Action Plan shall specify the actions the facility or program will take to correct each of the violations identified and to comply with the applicable licensing requirements, the name of the staff person(s) responsible for completing each action, and a timeframe for accomplishing each action. All action taken to correct a violation shall be documented in writing by the licensee. Failure to comply with the Corrective Action Plan shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C. The Agency shall reject any Corrective Action Plan that fails to identify all of the information described above. If the Agency rejects a Corrective

Action Plan, the Agency shall notify the licensee in writing of the reasons for rejection and shall state that the licensee has 10 days from receipt of the notification to submit an amended Corrective Action Plan.

(a) Within 15 calendar days following the receipt of a Notice of Noncompliance, the licensee must submit a proposed written Corrective Action Plan to the designated regional office. Corrective Action Plan within the required timeframe or repeat occurrences of same or similar violations shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C. For the purposes of this subsection, a first occurrence of a violation refers to those violations which have not been previously observed and cited by Agency staff within the past 12 months.

(b) The Corrective Action Plan shall specify in writing all the following:

1. The specific actions the facility will take to correct each of the violations identified and to comply with the applicable licensing requirements;
2. The name(s) of the staff person(s) responsible for completing each action; and
3. A timeframe for accomplishing each action.

(c) The Agency shall reject any proposed Corrective Action Plan that fails to identify all of the information defined in paragraph (b) of this rule.

(d) If the Agency rejects a Corrective Action Plan, the Agency shall notify the licensee in writing of the reasons for rejection and shall state that the licensee has 10 days from receipt of the notification to submit an amended Corrective Action Plan. If the licensee fails to timely submit an amended Corrective Action Plan that addressed the deficiencies defined in the 10-day notice sent by the Agency, the Agency shall consider this to be an additional violation(s).

(e) All action taken to correct a violation shall be documented in writing by the licensee.

(f) Failure to fully come into compliance with the rule specified in the Notice of Noncompliance or comply with the terms of a Corrective Action Plan shall result in the imposition of disciplinary action as defined in Rule 65G-2.0041, F.A.C. This includes imposing disciplinary action based on both the underlying violation and on the failure to timely correct the underlying violation after receipt of a Notice of Noncompliance or Corrective Action Plan that was approved or provided by the Agency.

(3) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date. Moratoriums. A moratorium on the admission of new clients into a facility or program may be imposed pursuant to the criteria stated in Section 393.0673(6), F.S.

(4) Relinquishment and license expiration. The expiration or relinquishment of a license that is pending administrative

~~sanctions does not render the administrative sanctions moot. The Agency may continue to seek administrative sanctions against a licensee for violations that occurred during a licensee's management or oversight of a facility or program even if the licensee ceases to own or lease the facility or program, operate the facility or program, or provide services in the facility or program after the violations have occurred.~~

~~Rulemaking Authority 393.067(1), 393.067(7), 393.0673(8), 393.0673, 393.501(1) FS. Law Implemented 393.067, 393.0673 FS. History—New 7-1-14, Amended 1-23-25, ____.~~

65G-2.0041 License Violations – Disciplinary Actions.

~~(1) Under a final order of the Agency, the Agency shall impose Determination of disciplinary action against a licensee for the violation of any facility or program standard as provided in chapter 393, F.S., or the Agency's rules, involving abuse, neglect, or exploitation. In determining whether to pursue disciplinary action in response to verified findings by the Department of Children and Families of abuse, neglect, or exploitation involving the licensee or direct service providers rendering services on behalf of the licensee, the Agency will consider the licensee's corrective action plan and other actions taken to safeguard the health, safety, and welfare of residents upon discovery of the violation. Considerations shall include the following:~~

~~(a) Each day a violation occurs, or continues to occur, constitutes a separate violation and is subject to a separate and additional disciplinary action. Whether the licensee properly trained and screened, in compliance with Section 393.0655, F.S., the staff member(s) responsible for the violation;~~

~~(b) Failure to comply with the terms of a Corrective Action Plan or settlement agreement shall constitute a separate violation subject to a separate and additional administrative proceeding and additional disciplinary action from the underlying violation. Whether, upon discovery, the licensee immediately reported any allegations or suspicions of abuse, neglect, or exploitation to both the Florida Abuse Hotline as well as the Agency;~~

~~(c) A Plan of Remediation shall be in response to a violation of these rules and shall be included as part of a disciplinary action imposed as a result of the violations. Failure to timely complete a Plan of Remediation shall constitute an additional and separate violation beyond the violation for which it was implemented. Whether the licensee fully cooperated with all investigations of the violation;~~

~~(d) Whether the licensee took immediate and appropriate actions necessary to safeguard the health, safety and welfare of residents during and after any investigations.~~

~~(e) Whether the occurrence is a repeat violation and the nature of such violation.~~

~~(f) The specific facts and circumstances before, during, and after the violation.~~

~~(2) Factors considered when determining sanctions to be imposed for a violation. The Agency shall consider any aggravating and mitigating the following factors when determining appropriate disciplinary action, which include the following: the sanctions for a violation:~~

~~(a) The severity gravity of the violation; including whether the incident involved the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a resident or participant, whether death or serious physical or mental injury could have resulted from the violation, and whether the violation has resulted in permanent or irrevocable injuries, damage to property, or loss of property or client funds;~~

~~(b) whether the incident involved the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a resident or participant; The actions already taken or being taken by the licensee to correct the violations, or the lack of remedial action;~~

~~(c) The connection between the death or serious physical or mental injury and the violation; types, dates, and frequency of previous violations and whether the violation is a repeat violation;~~

~~(d) any remedial actions taken to correct the violation(s) and the timeliness of such actions; The number of residents or participants served by the facility or program and the number of residents or participants affected or put at risk by the violation;~~

~~(e) Whether the licensee willfully committed the violation, was aware of the violation, was willfully ignorant of the violation, or attempted to conceal the violation;~~

~~(f) the number of individuals impacted; The licensee's cooperation with investigating authorities, including the Agency, the Department of Children and Families, or law enforcement;~~

~~(g) whether the licensee reported the violation(s) within the timeframes described in this chapter; The length of time the violation has existed within the home without being addressed; and;~~

~~(h) whether the licensee has cooperated with the Agency, or any other investigating regulatory or law enforcement agency regarding the violation(s); The extent to which the licensee was aware of the violation.~~

~~(i) whether there have been repeat instances of the same or similar violation(s) or any other violation by the licensee, with consideration of the amount of time that has passed between violations;~~

~~(j) whether a violation(s) involved more than one employee of the licensee; and~~

~~(k) any other relevant mitigating or aggravating factors.~~

(3) The Agency may take disciplinary action against licensees in accordance with sections 393.067 and 393.0673, F.S., as follows: Additional considerations for Class I violations, repeated violations or for violations that have not been corrected.

(a) a moratorium on admissions; Subject to the provisions of subsection 65G 2.0041(1), F.A.C., in response to a Class I violation, the Agency may either file an Administrative Complaint against the licensee or deny the licensee's application for renewal of licensure.

(b) the suspension, denial, or revocation of the license, including nonrenewal of the license; and A second Class I violation, occurring within 12 months from the date in which a Final Order was entered for an Administrative Complaint pertaining to that same violation, shall result in the imposition of a fine of \$1,000 per day per violation, revocation, denial or suspension of the license, or the imposition of a moratorium on new resident admissions.

(c) administrative fines, as follows: The intentional misrepresentation, by a licensee or by the supervisory staff of a licensee, of the remedial actions taken to correct a Class I violation shall constitute a Class I violation. The intentional misrepresentation, by a licensee or by the supervisory staff of a licensee, of the remedial actions taken to correct a Class II violation shall constitute a Class II violation. The intentional misrepresentation, by a licensee or by the supervisory staff of a licensee, of the remedial actions taken to correct a Class III violation shall constitute a Class III violation.

1. each fine shall not exceed \$1,000 per violation;

2. each day a violation occurs constitutes a new violation;
and

3. no fine issued under this rule chapter may exceed the limitation in section 393.0673, F.S.

(d) Failure to complete corrective action within the designated timeframes may result in revocation or non renewal of the facility's or program's license.

(4) The Agency may impose more than one type of disciplinary action for a single violation. Sanctions. Fines shall be imposed, pursuant to a final order of the Agency, according to the following three tiered classification system for the violation of facility standards as provided by law or administrative rule. Each day a violation occurs or continues to occur constitutes a separate violation and is subject to a separate and additional sanction. Violations shall be classified according to the following criteria:

(a) Class I statutory or rule violations are violations that cause or pose an immediate threat of death or serious harm to the health, safety or welfare of a resident and which require immediate correction.

1. Class I violations include all instances where the Department of Children and Families has verified that the

licensee is responsible for abuse, neglect, or abandonment of a child or abuse, neglect or exploitation of a vulnerable adult. For purposes of this subparagraph, a licensee is responsible for the action or inaction of a covered person resulting in abuse, neglect, exploitation or abandonment when the facts and circumstances show that the covered person's action, or failure to act, was at the direction of the licensee, or with the knowledge of the licensee, or under circumstances where a reasonable person in the licensee's position should have known that the covered person's action, or failure to act, would result in abuse, neglect, abandonment or exploitation of a resident.

2. Class I violations may be penalized by a moratorium on admissions, by the suspension, denial or revocation of the license, by the nonrenewal of licensure, or by a fine of up to \$1,000 dollars per day per violation. Administrative sanctions may be levied notwithstanding remedial actions taken by the licensee after a Class I violation has occurred.

3. All Class I violations must be abated or corrected immediately after any covered person acting on behalf of the licensee becomes aware of the violation other than the covered person who caused or committed the violation.

(b) Class II violations are violations that do not pose an immediate threat to the health, safety or welfare of a resident, but could reasonably be expected to cause harm if not corrected. Class II violations include statutory or rule violations related to the operation and maintenance of a facility or to the personal care of residents which the Agency determines directly threaten the physical or emotional health, safety, or security of facility residents, other than Class I violations.

1. Class II violations may be penalized by a fine of up to \$500 dollars per day per violation.

If four or more Class II violations occur within a one year time period, the Agency may seek the suspension or revocation of the facility's license, nonrenewal of licensure, or a moratorium on admissions to the facility.

2. A fine may be levied notwithstanding the correction of the violation during the monitoring visit if the violation is a repeat Class II violation.

(c) Class III violations are statutory or rule violations related to the operation and maintenance of the facility or to the personal care of residents, other than Class I or Class II violations.

1. Class III violations may be penalized by a fine of up to \$100 dollars per day for each violation.

2. A repeat Class III violation previously cited in a notice of noncompliance may incur a fine even if the violation is corrected before the Agency completes its monitoring of the facility or program.

3. If twenty or more Class III violations occur within a one year time period, the Agency may seek the suspension or revocation of the facility's or program's license, nonrenewal of

~~licensure, or moratorium on admissions to the facility or program.~~

~~(d) The aggregate amount of any fine imposed pursuant to this section shall not exceed \$10,000.~~

~~(5) Failure to pay any fine or adhere to a moratorium, suspension, or any other disciplinary measure implemented in accordance with this chapter shall constitute a separate violation.~~

~~(6) The expiration or relinquishment of a license that is pending administrative disciplinary action does not render the administrative proceeding moot and the licensee may still be subject to administrative disciplinary action. The Agency may continue to seek administrative disciplinary action against a licensee for violations that occurred during a licensee's management or oversight of a facility or program even if the licensee ceases to own, lease, operate, or provide services in the facility or program after the violations have occurred.~~

~~(7) For purposes of disciplinary action under these rules and chapter 393, F.S., for verified findings of abuse, neglect, abandonment, or exploitation of a child or vulnerable adult, the licensee is responsible not only for administration of the facilities in compliance with the standards provided by statute and administrative rule, but is ultimately responsible for the care and supervision of the clients in the facility or the participants of the program.~~

~~(a) A licensee may not delegate to others the ultimate responsibility for the safety of the clients in its care.~~

~~(b) A licensee is subject to disciplinary action for an employee's lapse in care or supervision of the clients at the facility or the participants of the program in which a verified finding of abuse, neglect, abandonment, or exploitation occurred at the licensee's facility or program.~~

~~(8) Disciplinary guidelines applicable to disciplinary actions taken under these rules and chapter 393, F.S., are set forth within the APD Licensing Disciplinary Chart, which is incorporated herein by reference, effective September 2025, which may be obtained at <http://www.flrules.org/>.~~

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

~~Rulemaking Authority 393.067(1), 393.067(7), 393.0673(8), 393.501(1) FS. Law Implemented 393.067, 393.0673 FS. History—New 7-1-14, Amended 1-23-25, ____.~~

65G-2.005 License Denial, Suspension or Revocation.

~~(1) The Agency shall deny an application for licensure if: A license to operate a residential facility or program is not assignable and is valid only for the entity, premises, and purposes specified in the license.~~

~~(a) the applicant fails to provide the Agency with a complete application for licensure, as defined in Rule 65G-~~

~~2.002, F.A.C., and has failed to respond to the Agency's request for the missing information by the deadline set by the Agency;~~

~~(b) the applicant or a controlling entity has an arrest awaiting final disposition for, has been found guilty of (regardless of adjudication), entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense identified in sections 393.0655, or 435.04, F.S.;~~

~~(c) the applicant or a controlling entity has had a license to operate a residential facility revoked by the Agency, the Agency for Health Care Administration (AHCA), the Department of Children and Families (DCF), Department of Juvenile Justice (DJJ), or the Department of Health (DOH);~~

~~(d) the applicant or a controlling entity has had a previous disciplinary action taken against them by Medicaid or Medicare;~~

~~(e) the applicant or a controlling entity has voluntarily relinquished a license to operate a residential facility in lieu of the Agency, AHCA, DCF, DJJ, or DOH pursuing an investigation or an administrative complaint against the applicant or a controlling entity;~~

~~(f) the applicant fails to provide the Agency with satisfactory proof of financial ability to operate for up to 60 days without dependence upon payment from the state or other third-party fees;~~

~~(g) the Agency's monitoring of the applicant's facility reveals violations of chapter 393, F.S., or this rule chapter that the applicant does not correct within the timeframe set by the Agency;~~

~~(h) DCF has verified that the applicant, the applicant's employees, or a controlling entity, is responsible for the abuse, neglect, or abandonment of a child or the abuse, neglect, or exploitation of a vulnerable adult;~~

~~(i) the applicant or the applicant's agent or employee falsely represented or omitted a material fact in its license application submitted under section 393.067, F.S.;~~

~~(j) the applicant or a controlling entity has had a professional license revoked by a state licensing entity; or~~

~~(k) the Agency, AHCA, DOH, DJJ, or DCF have taken or are in the process of taking disciplinary action against the applicant's or a controlling entity's other licensed facility or facilities.~~

~~(2) This rule is in addition to any disciplinary action listed in Rule 65G-2.0041, F.A.C. A change of licensee or a move of the facility or program to another location shall result in the revocation of the license.~~

~~(3) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.~~

~~Rulemaking Authority 393.501(1), 393.067(1), 393.067(7), 393.0673(8) FS. Law Implemented 393.067, 393.0673 393.673 FS.~~

History—New 8-13-78, Formerly 10F-6.03, 10F-6.003, 65B-6.003, Amended 7-1-14, 2-27-25, ____.

65G-2.006 Licensed Residential Facility Capacity.

(1) ~~The M~~maximum number of residents in each facility that may be served by a facility shall be determined based upon the size of the physical facility, the number of staff and their qualifications, the type of facility license issued, and any limitations imposed by the Fire Marshal, Department of Health, and other relevant state and local authorities. The licensed capacity shall be noted on the license.

(a) A facility shall not serve more clients than the maximum capacity, as stated on the license.

(b) The maximum number of residents who may be served by a facility shall be determined by the Agency after consideration of the following: as described in Rule 65G-2.007, F.A.C., General Facility Standards:

1. the individual needs of each resident;

2. the number of staff members and direct service providers, and each staff member's or direct service provider's qualifications;

3. the experience, education, and qualifications of the facility operator or owner;

4. the type of services provided; and

5. any limitations imposed by the Fire Marshal and other relevant federal, state, and local authorities.

(c) The Agency shall reassess the maximum number of residents that may be served by a facility each year as part of the license renewal process or at any time the licensee requests a change of the facility's capacity determination. This shall be reviewed using the criteria listed under paragraph (1)(b) of this rule and:

1. the level of active and appropriate supervision as evidenced by the staffing pattern and the number of staffing hours provided;

2. the frequency and severity of incident reports and violations that occurred or were identified during the current or preceding licensure year, which could be reasonably attributable to the number of residents served by the facility; and

3. the licensee's response and cooperation with the Agency and whether the licensee has completed all Corrective Action Plans.

(d) If a licensee requests to increase the capacity of the facility, the licensee must submit a request to the Regional Office in writing at least 30 days prior to the proposed change. The request must:

1. include documentation showing that the licensee has successfully passed a fire inspection that reflects the proposed capacity;

2. demonstrate that the facility is in compliance with any local governmental or municipal zoning requirements as defined in section 419.001, F.S. and Rule 65G-2.015, F.A.C.; and

3. submit a completed Calculation of License Capacity Form in paragraph (1)(b) of this rule.

(e) The Agency shall monitor the facility and reassess the staffing pattern and the number of staff whenever it receives a request for capacity increase.

(f) If the request is approved, the Agency shall issue an amended license setting forth the new maximum capacity for the remainder of the previously existing license.

(g) The Agency may waive the 30 days prior-notice requirement of paragraph (1)(d) of this rule due to an emergency or natural disaster wherein the licensee, after consultation and approval by the Agency, may increase the capacity of the facility.

(2) Census – the Licensee shall maintain one census, for each license issued, of residents living at the facility, regardless of whether they are clients of the Agency. The census information shall include but not be limited to, the names, dates of birth, level of waiver services reimbursement, and client eligibility diagnosis.

(a) For expected changes to the census the licensee shall inform the Agency in writing prior to any change in the census to include an updated census. The updated census shall be sent to the Agency within five (5) business days.

(b) For any unexpected changes in the census of residents, the licensee must inform the Agency immediately.

(3) Needs and Characteristics of residents in each facility.

(a) Each facility licensed under this rule chapter shall serve only those residents whose characteristics, level of care, age, and sex are included on its license application.

(b) The Agency shall determine the needs and characteristics of residents who may be served by a facility based on a review of the following:

1. the layout, accessibility, and use of the facility;

2. the number of staff and direct care providers employed by the facility;

3. qualifications of staff; and

4. the level of care and services needed by the residents.

(c)(2) The Agency shall reassess the characteristics of residents that may be served by a facility each year as part of the license renewal process or at any time the licensee requests a change of the facility's capacity. This shall be reviewed using the criteria listed under paragraph (3)(b) of this rule and: maximum number of residents who may be served by a facility shall be reassessed annually as part of the license renewal process. The Agency reserves the right to decrease the licensed capacity of a facility based upon an annual review of the individual needs of each client or resident, the level of active

and appropriate supervision, and the background, experience, and skill of the direct service providers. The Agency shall also consider incident reports and violations that occurred or were identified during the current or preceding licensure year, which could be reasonably attributable to the number of residents served by the facility.

1. the level of active and appropriate supervision as evidenced by the staffing pattern and the number of staffing hours provided

2. The Agency shall also consider the frequency and severity of incident reports and violations that occurred or were identified during the current or preceding licensure year, which could be reasonably attributable to the characteristics of residents served by the facility; and

3. the licensee's response and cooperation with the Agency and whether the licensee has completed all Corrective Action Plans.

(d) If a licensee wishes to change the level of care, age, or sex of residents that may be served in the facility, from what was specified within their most recent application for licensure, licensee shall notify the Regional Office in writing 30 days prior to the proposed change. The Agency shall reinspect the facility if changes in the needs and characteristics of services provided or the level of care, age, or sex of residents served require additional modification to the home or staffing requirements. Upon approval the Agency shall inform the licensee and update the appropriate electronic systems to reflect the new needs and characteristics of residents served.

(4)(3) The Agency's evaluation of the characteristics, level of care and demographics of the facility's residents or maximum number of residents served by a facility does not constitute a determination that the licensed facility is being operated in a safe or effective manner, a determination that the facility is acting in full compliance with the licensing requirements of this chapter, or a determination that any individual staff members employed by the facility is qualified or properly trained to serve the facility's residents. types of residents that may be served by a facility shall be determined on the basis of construction, design and use of the facility, the type of programs and services offered by the facility, the number and qualifications of the personnel employed by the facility, and the level of care and services needed by residents.

(5)(4) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date. If a licensee wishes to increase or decrease the capacity of the facility, he or she shall notify the Regional Office in writing at least 30 days prior to the proposed change. Increases in licensed capacity shall not be granted unless the licensee has successfully passed a fire inspection that reflects the proposed capacity. Requests for capacity increases will require the facility to be resurveyed by Agency staff and, if

approved, an amended license shall be issued setting forth the new maximum capacity for the remainder of the previously existing license.

(5) If a licensee wishes to change the types of residents that may be served in the facility, as specified within their most recent application for licensure, he or she shall notify the Regional Office in writing 30 days prior to the proposed change. The facility shall be resurveyed if changes in the types of residents served require additional modification to the home or staffing requirements, and if approved, an amended license shall be issued by the Agency.

(6) The Agency's evaluation of the type or maximum number of residents served by a facility does not constitute a determination that the licensed facility is being operated in a safe or effective manner, a determination that the facility is acting in full compliance with the licensing requirements of this chapter, or a determination that any individual staff members employed by the facility are qualified or properly trained to serve the facility's residents.

(7) Exceeding a facility's maximum authorized capacity or housing a resident type not authorized for the facility shall constitute a Class III violation.

Rulemaking Authority 393.501(1), 393.067(1), 393.067(7) FS. Law Implemented 393.067 FS. History—New 8-13-78, Formerly 10F-6.02, 10F-6.002, 65B-6.002, Amended 7-1-14, _____.

65G-2.007 General Residential Facility Standards.

(1) Facility name and identification.

(a) No ~~residential~~ facility may be referred to or use names such as "nursing facility" or "rest facility" unless it is a nursing facility licensed under Chapter 400, F.S.

(b) No ~~residential~~ facility may use the word "school" in its name unless there is a state or county certified educational program operated within the facility.

(c) No ~~residential~~ facility may erect any exterior sign which would label the residents or functions of the facility by indicating that the facility serves persons with developmental disabilities.

(d) A violation of this subsection shall constitute a Class III violation.

(2) Leasing of property by licensees. If the licensee is not the owner of the property, the licensee must have a fully executed lease.

(a) The lease must be current at the time of initial licensure and renewal.

(b) The lease must not lapse during the term of the license.

(c) The terms of the lease must not preclude the facility from being able to operate as a group home or foster home in accordance with Chapter 65G-2, F.A.C.

(3)(2) General physical facility and site requirements. The facility is responsible for providing a healthy, safe, and caring

residential environment that is clean, hygienic, and sanitary. For the facility to create such an environment, it must have and maintain the minimum standards as established by paragraphs (a) through (h) of this subsection, except in the event of impossibility such as a natural disaster or loss of power outside of the control of licensee.

(a) The facility must be free of any dangerous physical conditions and hazards. Interior and exterior building surfaces must be free of:

1. cracks, holes, tears, uneven projections, protruding nail, splinters;

2. broken, warped, or loose: boards, tile, linoleum, handrails, railings, plaster, lath, window panes, hanging fixtures;

3. exposed pipes or electric wiring;

4. water spillage or damage; and

5. tripping hazards.

(b) All areas of the facility occupied by residents, including bedrooms, common areas, hallways, bathrooms, and dining areas shall have natural or mechanical ventilation.

(a) through (b) renumbered (c) through (d) No change.

(c)(e) Each facility public utility customer who requires medically essential service is solely responsible for any backup equipment or power supply and a planned course of action in the event of a power outage or interruption of service in accordance with sSection 366.15, F.S.

(d) Mobile homes or manufactured homes, as described in Section 320.01(2), F.S., may not be used for foster care facilities, group home facilities, or residential habilitation centers.

(f)(e) The facility shall provide safe and sanitary housing. Floors, walls, ceilings, windows, doors, and all parts of the structures shall be of sound construction, properly maintained or in working order, and kept clean, hygienic, and sanitary as necessary to ensure the health and safety of the facility's residents.

(g)(f) No change.

(h)(g) Exterior doors must not prevent individuals from exiting the building, but may utilize delayed egress systems provided such systems meet all of the following conditions:

1. eEgress is prevented for a maximum of 30 seconds;;

2. the delayed egress system has been approved Approval of the system by the local authority that has having jurisdiction over fire safety or the State Fire Marshall; and

3. lLocks are automatically disengaged in the event of a fire, power outage, or activation of the fire alarm.

(h) A violation of this subsection shall constitute a Class II violation.

(4)(3) Common lLiving and dining areas.

(a) A minimum of 35 square feet of combined living and dining area shall be provided per household member, excluding

bedrooms, bathrooms, hallways, kitchens, utility rooms, garage, and laundry rooms.

(b) The living area shall be provided with an adequate number of appropriate furnishings for the usual functions of daily living. These furnishings shall be sturdily constructed, in working condition, and be designed of satisfactory design to meet the daily needs of household members.

(c) The dining area furnishings shall be adequate in number, be in good working condition, well-constructed and be designed of satisfactory design to meet the daily needs of household members.

(d) No change.

(e) A violation of this subsection shall constitute a Class III violation.

(5)(4) Kitchen.

(a) No change.

(b) The kitchen shall have equipment, utensils, and supplies in good condition and working order to properly store, prepare and serve the required number of meals. Chipped, cracked and otherwise unsafe utensils or dishware shall not be used. The kitchen shall have sufficient supplies of dish soap, paper towels, napkins, etc. supplied and paid for by the facility.

(c) Multi-use utensils, tableware, and equipment shall be thoroughly cleaned with hot water and sanitized after each meal. A violation of this subsection shall constitute a Class III violation.

(d) Cleaned and sanitized utensils, equipment, and all single-use articles shall be stored at least 6 inches above the floor in a clean, dry location and in a way that protects them from contamination by splashing, dust, and other contaminants.

(e) The food-contact surfaces of fixed equipment shall be protected from contamination. Such surfaces must be cleaned and sanitized, including equipment, counter tops, storage shelves, and similar areas. Food contact surfaces must be maintained in a clean, hygienic, and sanitary condition.

(f) All sinks shall be of sufficient size and depth to accommodate the utensils being washed.

(g) After sanitization, all equipment and utensils shall be dried. Cleaned and sanitized equipment and utensils and all single-use articles shall be handled in a way that protects them from contamination.

(h) Dishwashers shall be properly installed and maintained in good repair and shall be operated in accordance with the manufacturer's instructions and specifications, which must be retained by the facility. Dishwashers should be kept clean and free from food and mineral deposits. Items being loaded into a dishwasher should be scraped and rinsed prior to loading. For efficiency purposes dishwashers should not be overloaded.

(i) In homes where stoves have ventilation hoods and devices, the ventilation hoods shall be designed to prevent grease or condensation from collecting on walls and ceilings

and from dripping into food or onto food contact surfaces. Filters or other grease extracting equipment, if used, shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

(6)(5) Bedrooms.

(a) Bedrooms shall be arranged to provide for so that resident privacy is assured. Bedroom doors shall not have vision panels except as may be necessary for residents who require visual supervision due to documented behavioral or medical issues. Direct access to a resident's bedroom from a common area is required. Sole access to a resident's bedroom shall not be through a bathroom or other bedroom.

1. Bedroom doors shall not have vision panels except as may be necessary for residents who require visual supervision due to documented behavioral or medical issues.

2. Direct access to a resident's bedroom from a common area is required. Sole access to a resident's bedroom shall not be through a bathroom or other bedroom.

3. In determining licensed capacity, only bedrooms that are fully accessible and available for resident use may be considered. Bedrooms that are utilized exclusively by direct care staff, live-in caregivers, or the family members of live-in caregivers shall not be considered as available for resident use and will not be considered in determining the licensed capacity of the facility.

(b) ~~For~~ Facilities licensed on or after July 1, 2014, must have no more than two residents sharing a bedroom. Facilities receiving an initial license prior to July 1, 2014, with no lapse in licensure or change of licensee, can have a maximum of four residents sharing a bedroom. prior to the date of this rule revision, a maximum of four residents are allowed to share a bedroom. Facilities receiving an initial license after the date of this rule revision are allowed to have a maximum of two residents sharing a bedroom.

(c) Single bedrooms for residents shall provide at least 80 square feet of usable floor space. Multi-occupancy bedrooms used by residents shall provide at least 60 square feet per person of usable floor space. Usable floor space shall include only those areas with vertical wall heights of five feet or more and does not include closet areas.

(d) Multi-occupancy bedrooms used by residents shall provide at least 60 square feet per person of usable floor space.

(e) Usable floor space shall include only those areas with vertical wall heights of five feet or more and does not include closet areas.

(f)(d) No change.

(g) No portable heaters shall be used in sleeping rooms in facilities serving six or fewer residents.

(h)(e) Dresser drawers and either a wardrobe(s) wardrobe, or an enclosed closet space adequate to store the appropriate belongings of each resident shall be provided commensurate

with any physical or behavioral limitations of the resident and the physical limitations of the facility. Additional storage space shall be available elsewhere in the facility to accommodate residents' luggage and large or seldom used personal belongings. Captain-style beds with drawers installed as part of the bed frame may be substituted or used as dresser drawers.

(i)(f) Each resident shall have an individual bed. Futons, hammocks, and sleeper sofas shall not be used as permanent bedding. Each resident's bed shall have a clean, firm, comfortable mattress which is free from fabric tears, holes, odors, loose springs, and noticeable sagging. Beds shall be of suitable dimensions to accommodate residents who are using them. Bunk beds shall not be used unless appropriate to the functioning level of the residents. If residents use bunk beds, they must be safe and sturdy and not be higher than two tiers. Residents who are not able to climb safely into or out of the top tier without staff assistance shall not be permitted to sleep in the upper tier.

1. Futons, cots, inflatable mattresses, hammocks, and sleeper sofas shall not be used as permanent bedding.

2. Each resident's bed shall have a clean, firm, comfortable mattress which is clean and in good condition, and free from fabric tears, holes, odors, loose springs, and noticeable sagging.

3. Beds shall be of suitable dimensions to accommodate residents who are using them. The bedding must consider and accommodate the physical needs and requirements of the individual resident.

4. Bunk beds shall not be permitted.

5. Enclosure bed system shall not be permitted unless it is required within a resident's approved behavioral plan under Chapter 65G-8, F.A.C., and is used in conformity therewith.

(j)(g) The facility shall offer bedding and linens for each resident. These shall include a suitable pillow, pillowcase, sheets, blanket, and a bedspread or comforter which shall all be clean and in good condition. A mattress cover or waterproof sheet shall be provided if needed by the resident due to allergies, incontinence, or other medical or physical reasons. Bedding shall be appropriate to the season. Bed linens shall be replaced with clean linens at least once each week, or more frequently as required. Residents shall not be permitted to sleep or rest on soiled beds and bed pillows. A resident may choose to purchase their own bedding and linens in order to personalize his or her bedroom. Bedding and linens purchased by the licensee must be available to accommodate the licensed capacity of the home.

1. These shall include a suitable pillow, pillowcase, sheets, blanket, and a bedspread or comforter which shall all be clean and in good condition.

2. All bedding and linens shall be clean and in good condition.

3. Bed linens shall be replaced with clean linens at least once each week, or more frequently as required.

4. Residents shall not be permitted to sleep or rest on soiled beds and bed pillows.

5. A resident may choose to purchase their own bedding and linens in order to personalize his or her bedroom

6. Bedding and linens purchased by the licensee must be available to accommodate the licensed capacity of the home.

7. A mattress cover or waterproof sheet shall be provided if needed by the resident due to allergies, incontinence, or other medical or physical reasons.

8. Bedding shall be appropriate to the season.

~~(k)(h)~~ No change.

(l) Additional storage space shall be available elsewhere in the facility to accommodate residents' luggage and large or seldom used personal belongings commensurate with the physical limitations of the facility. The storage space must be able to be secured or locked and free from insects or pests.

~~(m)(i)~~ Each resident shall be allowed to decorate his or her private quarters in an individual style that will respect the care of the property and other residents who may share the bedroom commensurate with the physical limitations of the facility.

~~(j) A violation of this subsection shall constitute a Class III violation.~~

~~(7)(6)~~ Bathrooms.

~~(a) There shall be at least one toilet, lavatory, and tub or shower, accessible and available for resident use for every three residents in facilities licensed on or after July 1, 2014 the effective date of this rule revision. Facilities licensed prior to July 1, 2014 the effective date of this rule revision, and continuously thereafter shall have no less than one toilet and lavatory for every six residents, and one shower for every eight residents.~~

(b) Only bathrooms that are accessible and available for resident use shall be considered when determining the licensed capacity of a facility. Bathrooms that are utilized solely by staff, live-in staff, or family members of live-in staff and are not accessible and available to residents shall not be considered in the calculation of licensed capacity.

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

~~(e) Toilets, tubs and showers used by household members shall provide for individual privacy. A violation of this paragraph shall constitute a Class II violation~~

(d) Bathrooms shall be clean, hygienic, sanitary and well-ventilated. Bathrooms must be inspected once per day by staff to ensure compliance with applicable law.

(e) Bathrooms must be indoors.

(f) Bathrooms shall provide individual privacy. When multiple residents share a bathroom, the licensee and direct care staff are responsible for ensuring that the rights, preferences, and privacy of other residents are taken into consideration and respected.

~~(g)(d)~~ No change.

~~(e) Bathrooms shall be well ventilated by natural or mechanical methods.~~

~~(h)(f)~~ Toilet and bathing area fixtures shall be in good working condition and approximate normal patterns found in residential construction, except for ~~where~~ special requirements are applicable for residents with physical impairments or for special needs.

~~(i)(g)~~ The Bathrooms bathroom shall have sufficient supplies of toiletry items such as shampoo, toothpaste, soap, and toilet paper to accommodate resident needs. ~~A resident may choose to purchase his or her own toiletry items based on his or her personal preference. Each client shall be provided a separate and appropriate place for the resident's own toothbrush and towel.~~

1. A resident may choose to purchase his or her own toiletry items based on his or her personal preference. The resident may discontinue their choice at any time and request to utilize those facility-supplied toiletry items.

2. Documentation of the residents' choice, if they choose to purchase their own toiletry items instead of using the facility-supplied shampoo, toothpaste, soap, and toilet paper, must be maintained in the resident's individual record.

~~(h) With the exception of paragraph (c), a violation of this subsection shall constitute a Class III violation.~~

(8) Water temperature.

(a) The facility must have an adequate supply of hot water for bathing and dish washing, sufficient to meet the needs of all household members. Hot water accessible to residents must be a minimum of 105 degrees Fahrenheit (40.6 degrees Celsius) and not exceed 120 degrees Fahrenheit (48.9 degrees Celsius) at the outlet.

(b) The licensee must ensure that a monthly test of the water temperature is performed and documented to ensure compliance. This documentation must be maintained for at least 12 months.

~~(9)(7)~~ Laundry.

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

~~(d) A violation of this subsection shall constitute a Class III violation.~~

~~(10)(8)~~ Heating and cooling.

~~(a) Indoor temperature shall be maintained within a range of 68 degrees to 80 degrees, as appropriate for the climate. Temperatures exceeding this range by more than 2 degrees but less than 5 degrees constitute a Class III violation. Temperatures exceeding this range by 5 degrees or more constitute a Class II violation.~~

~~(b) Any The heating equipment or apparatus employed shall not constitute a burn hazard to the residents. Violation of this paragraph constitutes a Class II violation.~~

~~(c) There shall be no discernible differences between the temperature and humidity of areas within the facility that are~~

used by staff and those areas used by the residents, unless such differences are based on documented resident need or preference. ~~A violation of this paragraph shall constitute a Class III violation.~~

(d) Temperature variances due to emergencies, such as natural disasters or power outages outside of the licensee's control, or equipment failures that are being repaired in a timely manner that will not endanger the facility's residents shall not be considered violations of this subsection. The licensee must notify the Agency when repairs are needed, and the licensee must keep the Agency updated with respect to any repairs.

(e) Portable heaters, such as space heaters, must utilize an automatic safety switch that turns the unit off if it is tipped over, and a thermostatic control or timer which ensures that the unit will turn itself off and prevent overheating or creating an electrical hazard.

~~(11)(9) Lighting. All areas of the facility shall be equipped with lighting in accordance with area usage and to ensure the health and safety of residents. A violation of this subsection shall constitute a Class III violation.~~

~~(12)(10) Housekeeping and Maintenance. (a) The interior and exterior of the facility shall be maintained by the licensee to ensure so the health and safety of residents is assured. The facility must have a plan for housekeeping including direct care staff, equipment, and supplies. As part of the licensee's housekeeping plan, the licensee must: The facility shall supply and pay for necessary cleaning supplies. A violation of this paragraph shall constitute a Class II violation.~~

(a) keep the buildings in a clean, safe and orderly condition. This includes all rooms, corridors, attics, basements, and storage areas;

(b) keep attics, basements, stairways and similar areas free of accumulations of refuse, discarded furniture, discarded equipment, newspapers, magazines, boxes and other similar items;

(c) keep floors clean and non-slip to ensure client safety;

(d) supply and pay for necessary cleaning supplies;

~~(e)(b) keep t~~The facility shall be free of unpleasant or noxious odors;

~~(f)(e) ensure t~~The grounds and any additional buildings on the grounds are kept shall be free of unkempt vegetation and excess debris and maintained in a safe and sanitary condition;

~~(g)(d) ensure that a~~All outdoor garbage and other waste materials are shall be kept in covered containers until removed. Containers shall be emptied as often as necessary to prevent public nuisance and health hazards in accordance with municipal and county requirements of the jurisdiction within which the facility is located;

(h) ensure all indoor garbage and other waste materials are stored in a manner that maintains a sanitary condition. Trash cans or other such waste containers must be emptied as often as

necessary to prevent attracting pest or vermin and unpleasant and noxious odors;

(i) provide mitigation of risk or assurances of safety to prevent harm or injury from hazardous areas. Such mitigating risk or assurances of safety methods include door chimes, alarms, fencing or a wall of at least four feet in height. A hazardous area is that area designated as such by Agency staff at the time of initial licensure, or in the case of a significant change in the needs and characteristics of the residents of the facility, or a significant change to the facility, property or land adjacent, which may include, but is not limited to, water hazards such as, canals, creeks, holding ponds, rivers, lakes, swamps. In determining the hazardous area, Agency staff shall consult with the licensee and any determination about the hazardous area designation must be related to and consider the needs and characteristics of the residents of the facility; and

~~(j)(e) e~~Except when restitution is a component of a client's LRC-approved behavior plan, licensees are solely responsible for any costs associated with the repair or replacement of any facility equipment or property which is owned or leased by the licensee when such equipment or property is lost, damaged or destroyed by a resident. Unless the licensee agrees to cover replacement or repair costs, a resident who damages or destroys equipment or property which is owned or leased by himself or herself or other residents of the facility shall be responsible for any costs associated with the repair or replacement of such equipment or property.

~~(f) With the exception of paragraph (a), a violation of this subsection shall constitute a Class III violation.~~

~~(13)(11) Meal services. Unless contraindicated by documented medical, behavioral, or dietary requirements for individual residents, the following meal service standards shall apply to all facilities:~~

~~(a) Food and beverages shall be of adequate quantity and variety, served at appropriate temperatures, prepared by methods which conserve nutritional value, and served in a form easy for residents to manage and, within reason, in keeping with resident preferences. Within reason, dietary practices in keeping with the religious requirements of the resident's faith group shall be observed at the request of the resident, or the resident's authorized representative.~~

(b) Within reason, dietary practices in keeping with the religious requirements of the resident's faith group shall be observed at the request of the resident, or the resident's authorized representative.

~~(c)(b) Residents who are not routinely absent from the facility for work or other purposes must be prepared at least three meals at regular times during each 24-hour period. If a resident is absent from the facility for work or for an approved program during a regular mealtime, the resident he or she must be provided a meal at no charge to the resident. Snacks shall be~~

available and provided by the facility at appropriate times during the day or evening.

~~(d)(e)~~ No change.

~~(e)~~ Menus are developed in accordance with residents' individual medical, behavioral, or dietary requirements.

~~(f)(d)~~ Meals shall be prepared and served in accordance with the facility's ~~menu(s)~~ ~~menu~~.

~~(g)(e)~~ Menus shall be planned and written, and dated at least two days in advance of consumption. Menus, as served, shall be kept on file for a minimum of one month. Resident ~~Client~~ participation in meal planning is recommended but not required.

~~(h)(f)~~ ~~When food services are not supervised by a nutritionist, a~~ dietitian must be consulted at least annually. Documentation of such consultation and a summary of the dietitian's recommendation shall be submitted to the Regional office. ~~A violation of this paragraph shall constitute a Class II violation.~~

~~(i)(g)~~ No change.

~~(h)~~ ~~With the exception of paragraph (f), a violation of this subsection shall constitute a Class III violation.~~

(14) Food preparation, storage, and service.

(a) All surfaces, preparation equipment, utensils, cutlery, and dishes must be maintained in a clean and sanitized manner, free of any damage, and safe for intended use.

(b) Food must be free from cross-contamination.

(c) All food must be stored at appropriate temperature and location to maintain safety.

(d) Hotplates, grills, propane stoves, and similar equipment must be operated in a well-ventilated area and free from hazard(s).

(e) All food received or used in a licensed facility shall be clean, hygienic and sanitary, and safe for human consumption, and free from spoilage, adulteration, and misbranding.

(f) Food, while being transported, stored, prepared, displayed, or served within the facility, shall be protected from dust, flies, rodents or other vermin, toxic materials, unclean equipment and utensils, flooding, sewage, overhead leakage, and any other source of contamination.

(g) Food shall be stored a minimum of 6 inches above the floor, on clean shelves, racks, or other clean surfaces in such a manner as to be protected from splashing and other contamination. Food must be stored in a manner which permits free air circulation in and around food.

(h) Food not subject to further washing or cooking (ready to eat) before being served shall be stored in a manner that protects it from cross-contamination with food requiring washing or cooking. Packaged food shall not be stored in contact with water or undrained ice.

(i) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored

in a clean, covered, and labeled container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent.

(j) Prior to the food being placed into the freezer, the container must be clearly marked to indicate the date of freezing. Food must be dated if not consumed upon initial preparation.

(k) Hot food shall be cooled within 4 hours to 41 degrees Fahrenheit or below.

(l) Potentially hazardous food. For purposes of this rule, "potentially hazardous food" means food that requires refrigeration or freezing to prevent spoilage while it is in storage. The following requirements apply to potentially hazardous food:

1. Different types of raw animal products such as beef, fish, lamb, pork, or poultry shall be separated during storage and processing by use of different containers, partitions, shelves, or by cleaning and sanitizing the equipment between product use. Raw food products shall be physically separated from ready-to-eat food products during display or storage by storing the raw products below all ready-to-eat food products.

2. Upon receipt, potentially hazardous food shall be stored in a refrigerator or freezer, as appropriate, at temperatures that will protect it from spoilage. All potentially hazardous food shall be kept at safe temperatures, either below 41 degrees Fahrenheit or above 135 degrees Fahrenheit after cooking.

3. Potentially hazardous foods that are to be served without further cooking (ready to eat foods) and will require refrigeration shall not be allowed to remain between 41 degrees and 135 degrees Fahrenheit for a period in excess of four hours.

4. Frozen potentially hazardous food shall be thawed in refrigerated units at a temperature not to exceed 41 degrees Fahrenheit, or under cold potable running water, or in a microwave. Frozen potentially hazardous food shall be cooked immediately after thawing.

5. Potentially hazardous foods shall be kept for no more than seven days after its initial cooking.

(15)(12) Firearms and weapons Safety Requirements.

(a) Firearms, ammunition, and all other weapons shall be prohibited in licensed facilities unless the facility also serves as the primary residence of the licensee. The facility must have an adequate supply of hot water for bathing and dish washing sufficient to meet the needs of all household members. Hot water accessible to residents must not exceed 120 degrees Fahrenheit (43 degrees Celsius) at the outlet.

(b) Firearms, ammunition, and all other weapons shall be prohibited in licensed facilities unless the facility also serves as the primary residence of the licensee.

(b)(e) All firearms must be stored unloaded. Firearms and ammunition shall be stored separately from each other within locked storage areas. Weapons normally associated with

hunting, fishing, hiking, or recreational target sports, such as bows and arrows, spear guns or slingshot type devices, shall be stored unloaded within locked storage areas not accessible to facility residents. Other weapons ~~normally~~ associated with personal protection, such as stun guns, or chemical aversive sprays shall be kept in locked storage areas not accessible to facility residents.

~~(d) All poisonous and toxic compounds and potentially hazardous instruments shall be used with extreme caution. Compounds harmless to human consumption shall be used whenever reasonably possible. Poisonous and toxic compounds shall not be stored in an area which may constitute a hazard to residents. Such items shall be safeguarded and not co-mingled with food items in storage areas or elsewhere. In all cases, such products shall be stored in their original containers or, if transferred to other containers for dispensing purposes, clearly labeled as to the contents and locked in a storage area.~~

~~(e) The facility shall provide fencing of at least four feet in height in areas identified by the Agency as hazardous. A hazardous area is that area designated as such by Agency staff at the time of initial licensure. In determining the hazardous area, Agency staff shall consult with the licensee and consider the needs and characteristics of the residents of the facility. A violation of this paragraph shall constitute a Class III violation.~~

~~(f) With the exception of paragraph (e), a violation of this subsection shall constitute a Class I violation.~~

(16) Hazardous and toxic chemicals or compounds.

(a) All poisonous and toxic chemicals or compounds and potentially hazardous instruments shall be used with extreme caution. Chemicals or compounds harmless to humans shall be used whenever reasonably appropriate possible.

(b) Poisonous and toxic compounds shall be kept in a locked storage space.

(c) Such items shall be safeguarded and not co-mingled with food items in storage areas or elsewhere.

(d) In all cases, such products shall be stored in their original containers or, if transferred to other containers for dispensing purposes, clearly labeled as to the contents and locked in a storage area.

(e) Facilities constructed before 1978 may have lead-based paint hazards. For facilities built before 1978, the licensee must provide written disclosure of the presence of lead-based paint or lead-based paint hazards to current and prospective residents of the facility.

(17)(13) Swimming pools and other bodies of water hazards.

(a) Residents who are not proficient swimmers;

1. Must be supervised by sight and sound at all times when they are within 50 feet of any body of water or water hazard such as pools, hot tubs, canals, creeks, holding ponds, rivers, lakes, swamps, or areas subject to flooding. Access to

bodies of water or other water hazards must be restricted when supervision is not available. Supervision must be provided by an adult employee of the facility who is responsible for the resident and who is also certified in first aid and CPR.

2.(b) Residents who are not proficient swimmers shall Must not be allowed in pools or other bodies of water without wearing a life jacket or other U.S. Coast Guard approved flotation device unless engaged in swimming lessons or while under the direct supervision of an on-shift employee a responsible adult capable of assisting with swimming-related emergencies who is also certified in first aid and CPR.

(b)(e) All high-risk water-related recreational activities in which residents are participating, such as boating or water sports, must be directly supervised by an have adult employee of the facility supervision.

(c)(d) Pools without filters are permitted for use by facilities and shall be assembled set-up and used in accordance with manufacturer's instructions. Such pools must be emptied and stored away when not in use and filled with clean water before the next use.

(d)(e) No change.

(e)(f) Swimming pools must be equipped with one or more of the following life-saving devices: ring buoy, rescue tube, flotation device with a rope, or a pole of sufficient length to cover the area of the pool.

(f) While the pool or spa is in use, accessible ingress and egress must be provided.

(g) All stairs and ladders in and around the pool must be in good working condition. A violation of this subsection shall constitute a Class II violation.

(h) Any pool located on the facility property shall be maintained in a clean, hygienic, and sanitary condition.

(18)(14) Smoking. In facilities that do not prohibit adult residents or staff from smoking indoors, either through admission criteria, house rules or self-government, smoking shall be permitted only in areas that are designated by the residents. Under no circumstances shall the designated smoking area include indoor common areas shared or accessed by non-smoking residents. Residents shall not be permitted to smoke in bed, except that those confined to bed by infirmity may be permitted to do so only under the visual supervision of staff. Smoking shall not be permitted indoors if any of the residents of the facility are children or possess a medical condition, such as asthma, which would be aggravated by indoor smoking by other household members. A violation of this subsection shall constitute a Class II violation.

(a) Facilities that do not prohibit adult residents or staff from smoking indoors, either through admission criteria, house rules or self-government, may permit smoking only in areas that are designated by the residents, except that the designated

smoking area shall not include indoor common areas shared or accessed by non-smoking residents.

(b) Residents shall not be permitted to smoke in bed, except that those confined to bed by infirmity may be permitted to do so only under the visual supervision of staff.

(c) Smoking shall not be permitted indoors if any of the residents of the facility are children or possess a medical condition, such as asthma, which would be aggravated by indoor smoking.

(19)(15) Alarms. Alarms that which are activated when an exterior door or window is opened are permitted for use within residential facilities.

(20)(16) Smoke and carbon monoxide detectors. Facilities shall be equipped with smoke and carbon monoxide detectors in good working condition. Battery activated detectors must be tested and documented at least every six months. A violation of this subsection shall constitute a Class II violation.

(21) Insect, Rodent, and Vermin Control.

(a) Effective measures shall be utilized to minimize the presence of rodents, flies, cockroaches, bedbugs, and other insects on the premises, which includes maintaining a clean environment in the facility.

(b) All buildings shall be effectively maintained rodent-proofed and rodent free.

(c) All outside openings shall be effectively sealed or screened to prevent entry of insects, rodents, and vermin.

(d) For persistent pest control problems, a licensed pest control operator must be utilized to eliminate the threat.

(22) Animal Health and Safety.

(a) Animals must be kept free from disease or under treatment by a licensed veterinarian.

(b) Animals being kept indoors or having access to the indoors must be treated for flea and tick control in accordance with the recommendations of a licensed veterinarian to prevent infestations.

(c) Animals requiring rabies vaccination must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(d) Facility property must be kept free from animal wastes and byproducts.

(23) Response to Resident Sickness.

(a) Facility staff must carefully clean any areas contaminated with vomit, stool, or bodily fluids.

(b) Vomit, stool, and bodily fluids shall be cleaned up before disinfecting. Responsible staff shall wear disposable gloves to clean and disinfect whenever possible. Cleaning shall be done with disposable towels, and used towels shall be disposed of in a non-absorbent plastic bag.

(c) Facility staff must disinfect the affected area after it is completely cleaned. Staff shall allow the area to air-dry, and discard all materials used to clean the area, including placing used towels and gloves in a non-absorbent plastic bag. Staff must wash their hands with soap and water immediately after removing gloves.

(d) Soiled linens, soiled clothes, or other soiled items shall be carefully removed and kept separated from uncontaminated items. Soiled linens, soiled clothes, or other soiled items that are contaminated shall be washed separately from uncontaminated items using a regular wash cycle at high temperature with detergent, or regular wash cycle with detergent and bleach or other sanitizer.

(24) Foreclosures, Evictions, and Bankruptcies.

(a) Licensees must notify the Agency within 24 hours upon the receipt of a notice of eviction or foreclosure involving the property at which the license is maintained.

(b) Licensees who file for bankruptcy protection must notify the Agency within 24 hours of filing for bankruptcy.

(25) Mobile homes or manufactured homes, as defined in section 320.01(2), F.S., may not be used for foster care facilities, group home facilities, or residential habilitation centers. This does not include modular homes. For the purposes of this rule, a mobile or manufactured home is a home that is transported on a non-removable chassis which remains a structural part of the home and considered relocatable.

(26)(19) Optional in-service training. The licensee may develop in-service training for family members, guardians or guardian advocates of residents. This training may address topics such as appropriate behavioral interventions, guardianship, social security benefit issues, or other topics of relevance. Under no circumstances may the licensee, or its contracted trainer or presenter, charge a fee for the provision of such training. A violation of this subsection shall constitute a Class III violation.

(27)(20) Willful or intentional misstatements. A licensee or applicant shall not make willful or intentional misstatements, orally or in writing, to intentionally mislead Agency staff, the Department of Children and Families, or law enforcement in the performance of their duties.

(a) Willful or intentional misstatements regarding the health, safety, welfare, abuse, neglect, exploitation, abandonment or location of a resident shall be considered a Class I violation.

(b) All other willful misstatements shall be considered Class II violations.

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

Rulemaking Authority ~~393.15(5)~~, 393.501(1), 393.067(1), 393.067(7) FS. Law Implemented 393.067 FS. History—New 8-13-78, Formerly 10F-6.08, 10F-6.008, 65B-6.008, Amended 7-1-14, 5-5-15, _____.

65G-2.0071 Foster Care Facility Standards.

(1) ~~ADMINISTRATION.~~ Each foster care facility shall designate a person as responsible for the on-going operation of the foster care facility and for ensuring compliance with Chapter 65G-2, F.A.C., and Section 393.067, F.S. A violation of this subsection shall constitute a Class II violation. be located in an area zoned for residential use by the local zoning authority; and

(2) designate a person as responsible for the on-going operation of the foster care facility and for ensuring compliance with Chapter 65G-2, F.A.C., and chapter 393, F.S.

~~(2) FINANCIAL STANDARDS.~~

~~(a) Fiscal records pertaining to the cost of providing care to Agency clients shall be maintained in accordance with generally accepted accounting principles.~~

~~(b) The Agency may audit the records of a foster care facility to ensure compliance with Chapter 65G-2, F.A.C., and Section 393.067, F.S., provided that financial audits shall be limited to the records of Agency clients.~~

~~(c) Upon request by the Agency, the foster care facility shall make available copies of any internal or external audit reports pertaining to funding received on behalf of Agency clients.~~

~~(d) The provider, the provider's employees, and any family members thereof are prohibited from:~~

- ~~1. Being the named beneficiary of a resident's life insurance policy unless related to the resident by blood or marriage;~~
- ~~2. Receiving any indirect financial benefit from a resident's life insurance policy unless related to the resident by blood or marriage; or~~
- ~~3. Borrowing or otherwise using a resident's personal funds for any purpose other than the resident's benefit.~~

~~(e) A violation of this subsection shall constitute a Class III violation.~~

(3) **STAFFING.** In addition to the staffing requirements delineated under Rule 65G-2.008, F.A.C., foster care facilities which utilize live-in caregivers must provide for at least one back-up direct care staff, who has undergone a successful background screening in accordance with §Section 393.0655, F.S., and §Chapter 435, F.S. This back-up direct care staff must, that would be willing and able to render services to residents in the event that neither of the live-in caregivers are able to do so. A violation of this subsection shall constitute a Class II violation.

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

Rulemaking Authority 393.501(1), 393.067(1), 393.067(7) FS. Law Implemented 393.067 FS. History—New 8-13-78, Formerly 10F-6.09, 10F-6.009, 65B-6.009, Formerly 65G-2.011, Amended _____.

65G-2.0072 Group Home Facility Standards.

(1) Each group home facility shall be located in an area zoned for single family or multi-family residential use by the local zoning authority ~~ADMINISTRATION.~~

~~(2)(a)~~ Each group home facility shall have a designated facility operator on-site or on call at all times. The facility operator is responsible for the on-going operation of the group home facility and for ensuring compliance with Chapter 65G-2, F.A.C., and section 393.067, F.S., whenever the facility operator is onsite or on call and one or more residents are present in the facility.

~~(3)(b)~~ No change.

~~(4)(e)~~ An area of the facility shall be designated as office space where files, desk, telephone and other administrative tools and equipment are located. Adequate provisions shall be made for ensuring the security of confidential files and other types of records, such as account books, inventories, audits, resident records, and resident funds. These records may be kept electronically. ~~A violation of this paragraph shall constitute a Class III violation.~~

~~(d) With the exception of paragraph (c), a violation of this subsection shall constitute a Class II violation.~~

~~(2) FINANCIAL STANDARDS.~~

~~(a) Fiscal records pertaining to the cost of providing care to Agency clients shall be maintained in accordance with generally accepted accounting principles.~~

~~(b) The Agency may audit the records of a group home facility to ensure compliance with Chapter 65G-2, F.A.C., and section 393.067, F.S., provided that financial audits shall be limited to the records of Agency clients.~~

~~(c) Upon request by the Agency, the group home facility shall make available copies of any internal or external audit reports pertaining to funding received on behalf of Agency clients.~~

~~(d) The provider, the provider's employees, and any family members thereof are prohibited from:~~

- ~~1. Being the named beneficiary of a resident's life insurance policy unless related to the resident by blood or marriage;~~
- ~~2. Receiving any indirect financial benefit from a resident's life insurance policy unless related to the resident by blood or marriage; and,~~
- ~~3. Borrowing or otherwise using a resident's personal funds for any purpose other than the resident's benefit.~~

~~(e) A violation of this subsection shall constitute a Class III violation.~~

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

Rulemaking Authority 393.501(4), 393.067(1), 393.067(7), 393.501(1) FS. Law Implemented 393.067 FS. History—New 8-13-78, Formerly 10F-6.10, 10F-6.010, 65B-6.010, Formerly 65G-2.012, Amended

65G-2.0073 Residential Habilitation Center Standards.

(1) Organization and administration ~~ORGANIZATION AND ADMINISTRATION.~~

(a) No change.

(b) Each facility shall designate ~~have~~ a facility operator who is onsite or on call at all times. The facility operator is designated as responsible for the ongoing operation of the residential habilitation facility and for ensuring compliance with Chapter 65G-2, F.A.C., and chapter 393, F.S. Section 393.067, F.S., at all times that one or more residents are present in the facility.

(c) No change.

(d) An area of the facility shall be designated as office space where files, desk, telephone and other administrative tools and equipment are installed. Provisions shall be made for locking and protecting confidential files and other types of records, e.g., account books, inventories, audits, resident records, and resident funds. ~~A violation of this paragraph shall constitute a Class III violation.~~

~~(e) With the exception of paragraph (d), a violation of this subsection shall constitute a Class II violation.~~

~~(2) FINANCIAL STANDARDS.~~

~~(a) Fiscal records pertaining to the cost of providing care to Agency clients shall be maintained in accordance with generally accepted accounting principles.~~

~~(b) The Agency may audit the records of a residential habilitation center to ensure compliance with Chapter 65G-2, F.A.C., and section 393.067, F.S., provided that financial audits shall be limited to the records of Agency clients.~~

~~(c) Upon request by the Agency, the residential habilitation center shall make available copies of any internal or external audit reports pertaining to funding received on behalf of Agency clients.~~

~~(d) The provider, the provider's employees, and any family members thereof are prohibited from:~~

~~1. Being the named beneficiary of a resident's life insurance policy unless related to the resident by blood or marriage;~~

~~2. Receiving any indirect financial benefit from a resident's life insurance policy unless related to the resident by blood or marriage; and,~~

~~3. Borrowing or otherwise using a resident's personal funds for any purpose other than the resident's benefit.~~

~~(e) A violation of this subsection shall constitute a Class III violation.~~

~~(2)(3) Resident training. RESIDENT TRAINING. The residential habilitation center shall ensure that all residents receive habilitative services to meet their individualized needs. The residential habilitation center will assist the resident in exercising maximum independence in the following:~~

~~(a) The residential habilitation center shall ensure that all residents receive habilitative services to meet their individualized needs.~~

~~(b) The residential habilitation center will assist the resident in exercising maximum independence in the following:~~

~~(a) through (g) renumbered 1. through 7. No change.8.~~

~~(4) Basic knowledge or cognitive development, including both pre-academic and academic skills; and~~

~~9.(4) Job related skills, such as personal work interests, work capabilities, work habits, practical work interests, community mobility, and job seeking skills; and,~~

~~(j) A violation of this subsection shall constitute a Class II violation.~~

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

Rulemaking Authority 393.501(4), 393.067(1), 393.067(7), 393.501(1) FS. Law Implemented 393.067 F.S. History—New 8-13-78, Formerly 10F-6.11, 10F-6.011, 65B-6.011, Formerly 65G-2.013, Amended

65G-2.0074 Adult Day Training Program Standards.

(1) Right to use and occupy.

(a) through (b) No change.

~~(e) A violation of this section is a Class II violation.~~

(2) Physical site standards.

(a) through (b) No change.

(c) The physical site must be free of dangerous conditions and hazards. Interior and exterior building surfaces must be free of hazardous conditions including ~~Violation of this paragraph constitutes a Class II violation. hazardous conditions include:~~

~~1. through 6. No change.~~

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

~~(m) A violation of this section shall be a Class II violation.~~

(3) Activity area and dining area. No change.

(4) Food preparation, storage, and service.

(a) through (n) No change.

If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

~~(o)(p) No change.~~

(5) Bathrooms and Changing Areas.

(a) No change.

(b) Bathrooms and changing areas used by participants shall provide individual privacy. ~~A violation of this paragraph shall constitute a Class II violation.~~

(c) through (e) No change.

(f) For ADTs licensed prior to March 24, 2025, ~~60 days after the effective date of the rule~~ and for only as long as there is no lapse in licensure from the date of the original license, the physical site shall have a minimum of two ~~(2)~~ toilets and two (2) sinks for every 35 ~~thirty-five (35)~~ individuals, including participants and staff. For all ADTs newly licensed after March 24, 2025, ~~60 days from the effective date of the rule~~, the physical site shall have at minimum two ~~(2)~~ toilets and two (2) sinks for every 25 ~~twenty-five (25)~~ individuals, including participants and staff.

~~(g) Except for paragraph (b), a violation of this subsection shall constitute a Class III violation.~~

(6) Water Temperature.

~~(a)~~ The program must have an adequate supply of clean water. Hot water, if available in changing facilities or sinks, used by participants must not exceed 120 degrees Fahrenheit (48.9 degrees Celsius) at the outlet.

~~(b) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(7) Heating and cooling.

(a) through (g) No change.

~~(h) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(8) Lighting.

~~(a)~~ All areas of the physical site shall be suitably lit in accordance with area usage.

~~(b) A violation of this subsection shall constitute a Class III violation.~~

(9) Housekeeping and Maintenance.

(a) through (g) No change.

(h) All indoor garbage and other waste materials shall be stored in a manner that would maintain a sanitary condition. Trash cans ~~Trashcans~~ or other such waste containers must be emptied as often as necessary to prevent attracting pest or vermin and prevent unpleasant or noxious odors.

(i) No change.

~~(j) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(10) Firearms and weapons.

(a) through (b) No change.

~~(c) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(11) Hazardous and toxic compounds.

(a) through (d) No change.

~~(e) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(12) Swimming pools and other bodies of water.

(a) through (d) No change.

~~(e) A violation of this subsection shall constitute a Class II violation.~~

(13) Smoking.

~~(a)~~ Smoking, vaping, or use of other tobacco products shall not be permitted indoors.

~~(b) A violation of this subsection shall constitute a Class III violation.~~

(14) No change.

(15) Smoke and carbon monoxide detectors.

(a) Facilities shall be equipped with smoke and carbon monoxide detectors in good working condition. Battery activated detectors must be tested at least every six ~~6~~ months.

(b) No change.

~~(c) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(16) Insect, Rodent, and Vermin Control.

(a) through (d) No change.

~~(e) Violations of paragraphs (a) through (d) shall constitute a Class I or Class II violation in accordance with Rule 65G-2.0041, F.A.C.~~

~~(c)(f) In the event of an infestation, all measures taken must be documented by the licensee and provided to the Agency. A Violation of this paragraph shall constitute a Class III violation.~~

(17) Animal Health and Safety.

(a) through (c) No change.

~~(d) Violations of this subsection shall constitute a Class III violation.~~

(18) Response to Participant Sickness.

(a) through (g) No change.

~~(h) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(19) Foreclosures, Evictions and Bankruptcies.

(a) through (b) No change.

~~(e) A violation of this subsection shall constitute a Class II violation.~~

(20) Optional in-service training.

~~(a)~~ The licensee may develop optional in-service training for family members, guardians, or guardian advocates of participants. This training may include but is not limited to parent and caregiver training. The program shall not require such training as a condition upon the provision of adult day training services.

~~(b) A violation of this subsection is a Class III violation.~~

(21) Emergency Management Plans.

(a) through (c) No change.

(d) Evacuation. The physical site must evacuate the premises during or after an emergency if so directed by the local emergency management agency.

1. No change.

2. The physical site shall not be reoccupied ~~re-occupied~~ until (1) the area is cleared for reentry by the local emergency management agency, local fire marshal, or any other agency or entity having authority and (2) the physical site meets the immediate needs of the participants.

(e) No change.

(f) Emergency management plans, documents regarding staff training, and any logs must be made available to the Agency within three ~~3~~ days of the request.

~~(g) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(22) No change.

(23) Transportation.

(a) through (c) No change.

(e) through (f) renumbered (d) through (e) No change.

~~(f)(g)~~ The driver must complete a physical inspection and visual sweep of the vehicle at the arrival of the destination to ensure that no participant is left inside the vehicle. A participant shall not be left unattended in a vehicle.

(h) through (o) renumbered (g) through (n) No change.

~~(p) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(24) Administration.

(a) through (d) No change.

(e) The licensee shall ensure that each staff member:

1. through 3. No change.

~~4. If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(f) An area of the physical site shall be designated as office space where files, desk(s), telephone(s), and other administrative tools and equipment are located. Provisions shall be made for ensuring the security of confidential files and other types of records, such as account books, inventories, audits, and client/participant records. These records may be kept electronically. ~~A violation of this paragraph shall constitute a Class II violation.~~

(g) All documentation must be completed in English. ~~A violation of this paragraph shall constitute a Class III violation.~~

(25) Financial Standards.

(a) through (c) No change.

(d) The Agency may audit the records of a program to ensure compliance with Chapter 65G-2, F.A.C., and ~~c~~Chapter 393, F.S., provided that financial audits shall be limited to the records of the Agency's clients. ~~Failure to maintain records shall constitute a Class III violation. Failure to allow the Agency access to records for an audit shall constitute a Class II violation.~~

(e) Upon request by the Agency, the program shall make available copies of any internal or external audit reports pertaining to funding received on behalf of the Agency's clients. ~~Failure to allow the Agency access to client record shall constitute a Class II violation.~~

(f) The licensee, the program staff, direct service providers, and any family members thereof are prohibited from:

1. through 3. No change.

~~4. Violation of paragraph (f) shall constitute a Class II violation.~~

(26) Staffing Ratios, requirements

1. through 2. renumbered (a) through (b) No change.

(27) Required Skills for All Direct Service Providers.

(a) through (d) No change.

~~(e) Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in, or poses a serious immediate threat of, death or serious harm to the health, safety or welfare of a resident to a participant, the violation shall constitute a Class I violation, instead.~~

(28) Safety Standards.

(a) through (j) No change.

~~(k) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

(29) Behavioral Interventions and Responses to Behavioral Issues.

(a) through (d) No change.

~~(e) A violation of this section shall be a Class I violation.~~

(30) Investigations.

(a) The licensee and program staff must cooperate and comply with any investigation conducted by the Agency or a

law enforcement agency or any other agency authorized by law.
~~Violations of this paragraph shall constitute a Class I violation.~~

(b) No change.

(c) If a licensee, direct service provider, volunteer, or any other person working in the program has been identified as an alleged perpetrator in an active protective investigation of abuse, neglect, or exploitation of a vulnerable adult under ~~c~~Chapter 415, F.S., or abuse, abandonment, or neglect of a child under part II of ~~c~~Chapter 39, F.S., and the protective services investigator has reasonable suspicion that the abuse, neglect, exploitation, or abandonment has occurred, the alleged perpetrator shall be prohibited from being alone with participants unless he or she is under the constant visual supervision of another staff member who is not under such investigation. ~~Violations of this paragraphs shall constitute a Class II violation.~~

(d) If the protective investigation concludes with a verified finding of abuse, neglect, exploitation, or abandonment against the alleged perpetrator, the perpetrator shall be prohibited from being alone with participants unless he or she is under the constant visual supervision of another person working in the facility or program who has not, to the knowledge of the licensee, been named as the alleged perpetrator in an ongoing protective investigation or has a verified finding, until the Corrective Action Plan, below, is accepted. If the perpetrator remains employed by the licensee, the licensee must submit a Corrective Action Plan that contains the following documentation to the Agency within 15 days of notification of the verified finding:

1. Explanation of why the licensee is not terminating the perpetrator;
2. What disciplinary action was taken against the perpetrator;
3. Any training, including dates, that the program staff member or direct service provider received; and
4. How the licensee will protect participants from abuse, neglect, or exploitation by this perpetrator.

~~(e) Failure to timely create a Corrective Action Plan in (c) shall constitute a Class III violation. Failure to follow a Corrective Action Plan shall constitute a separate Class II violation.~~

~~(e)(d)~~ No change.

(31) Medication and Specialized Equipment

(a) through (b) No change.

~~(e) Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in the abuse, exploitation or harm to a participant, the violation of this subparagraph shall constitute a Class I violation. If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation.~~

(32) Requirements for Personnel Policies, Procedures, and Records.

(a) through (b) No change.

~~(e) Violations of this subsection constitutes a Class III violation.~~

(33) Direct Service Provider Training Requirements.

(a) through (d) No change.

~~(e) Violations of paragraphs (a), (b), and (c) shall constitute Class II violations. Violation of paragraph (d) shall constitute a Class III violation.~~

(34) Sexual Activity and Physical Contact.

(a) The licensee shall develop and enforce a written policy regarding sexual activity involving participants of the program. ~~Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in, or poses a serious immediate threat of, death or serious harm to the health, safety or welfare of a resident to a participant, the violation shall constitute a Class I violation, instead.~~ Such policy shall:

1. through 4. No change.

5. address appropriate physical boundaries and standards between a direct service provider and participants, including the following elements:

a. physical contact between a direct service provider and participants should be brief, age appropriate, and shall not include sexual activity;:-

b. through f. No change.

(b) The licensee shall provide direct service providers with training regarding the licensee's policy regarding sexual activity, involving participants prior to providing direct care services. ~~Violation of this paragraph shall constitute a Class II violation.~~

(c) The following safeguards shall be implemented in any program that serves one or more sexually aggressive participants, or those who require a Safety Plan under the iBudget Handbook, Chapter 65G-2, F.A.C., or any other similar requirement:

1. No change.

2. Prior to attendance, an individualized Safety Plan shall be developed by a team to assess the risks of serving the sexually aggressive participant and determine the level of support and supervision required. The team shall include the prospective participant's support coordinator, facility operator, behavior analyst, the prospective resident and his or her legal representative, day program manager, companion, job coach, mental health counselor/psychologist, and school representative, as applicable. The staff shall be trained on safety plans before working with sexually aggressive individuals;:-

3. The program must maintain a signed copy of the most current safety plan, when applicable;:-

4. No change.

5. Known sexually aggressive participants shall never be left alone with other participants;

6. through 7. No change.

~~8. If a violation of this section causes or poses an immediate threat of death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.~~

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

Rulemaking Authority 393.067(1), 393.067(7), 393.0673(8), 393.501(1) FS. Law Implemented 393.067, 393.0673, 393.13 FS. History—New 1-23-25, Amended

65G-2.008 Staffing Requirements for Residential Facilities.

(1) The licensee shall employ adequate staff to maintain the facility in a manner that promotes and ensures the health, safety, and welfare of residents, and protects nonresidents ~~those who are not residents of the facility~~ from any known dangerous behaviors that the residents exhibit. At a minimum, the licensee shall maintain the staffing pattern sufficient to accommodate the number and characteristics of the residents it offers to serve in its most recent application for licensure and as approved by the Agency. ~~A violation of this subsection shall constitute a Class I violation.~~

(a) ~~The Agency shall consider the following when deciding whether a facility has adequate staff to maintain the facility: appropriate number and type of staff employed by the licensee is dependent upon a number of factors including state and/or federal requirements, court orders, the number of residents and their unique service requirements, the competency, training, and education of staff, and the range of services offered. At a minimum, the licensee shall maintain the staffing pattern delineated and described on its most recent application for licensure. A violation of this paragraph shall constitute a Class II violation.~~

1. the documented level of need for each resident;
2. state and/or federal requirements;
3. behavior plan;
4. support plan;
5. safety plan;
6. medically ordered care;
7. additional staffing needs identified by licensee for residents funded through other means;
8. court orders, if applicable;
9. the number of residents and their unique service requirements;
10. the competency, training, and education of staff; and
11. the range of services offered.

~~(b) It is the licensee's responsibility to provide adequate staffing levels to meet the health and safety needs of each resident, even if the staffing levels exceed the minimum identified for the facility. All staffing patterns must meet the minimum requirements set forth in this rule and other applicable rules as residents move in or out of the facility or when the identified level of need changes. At least one staff person must be present at all times while clients are in the facility unless the licensee has received Agency approval for a specified client to be left alone for limited periods of time during the day or night pursuant to paragraph 65G-2.009(6)(b), F.A.C. A violation of this paragraph shall constitute a Class I violation.~~

~~(c) Direct service providers shall not be under the influence of alcoholic beverages or illegal controlled substances to the extent their normal faculties are impaired. For purposes of this paragraph "normal faculties" include but are not limited to the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies and, in general, to normally perform the many mental and physical acts of daily life. A violation of this paragraph shall constitute a Class I violation.~~

(2) Direct Service Provider Qualifications.

~~(a)(d) A d~~Direct service provider shall be at least 18 years of age. A violation of this paragraph shall constitute a Class III violation.

~~(b) A direct service provider must undergo employment screening as required by section 393.0655, F.S., and chapter 435, F.S. The licensee shall be responsible for ensuring that every direct service provider in the facility has complied with section 393.0655, F.S., and chapter 435, F.S. Any staff or volunteers, including direct service providers, managers, supervisors, and licensees that do not meet eligibility under section 393.0655, F.S. and chapter 435, F.S., must not provide direct care services or have access to any resident, resident funds, or resident living setting.~~

~~(c)(e) A d~~Direct service provider providers must have at least a high school diploma or the equivalent. When determining the equivalency of high school diplomas, providers may accept official transcripts, affidavits from educational institutions, and other formal or legal documents that can be reasonably used to determine educational background. ~~A d~~Direct service provider providers who have been hired using the licensee's best judgment ~~of the licensee~~ prior to July 1, 2014, and who have remained continuously employed by the licensee, the date of this rule revision are exempt from this screening requirement. ~~A violation of this paragraph shall constitute a Class III violation.~~

~~(d)(f) Prior to beginning employment, a direct service provider providers must have; at least one year of experience in a medical, psychiatric, nursing or childcare setting or working~~

~~with persons with a developmental disability. Successfully completed college, vocational or technical training equal to 30 semester hours, 45 quarter hours, or 720 classroom hours in special education, mental health, counseling, guidance, social work or health and rehabilitative services can substitute for the required experience. Direct service providers hired by the licensee prior to July 1, 2014, shall continue to be exempt from this paragraph. Licensees may allow direct service providers to begin their employment without meeting the experience requirements described within this section if such direct service providers spend their first 90 days of employment working directly under the supervision or oversight of another direct service provider who does possess the required experience requirements. For purposes of this section, "direct supervision or oversight" refers to the physical presence of a direct service provider who meets the experience requirements and who is immediately available for assistance as needed and who at all times shall be under the same contiguous roof line as the direct service provider who does not meet the one year experience requirement. The direct service provider who does not meet the one year experience requirement may take residents out of the facility only if accompanied by another direct service provider who meets the one year experience requirement as long as the experienced direct service provider remains at all times within 100 feet of the direct service provider who does not meet the one year experience requirement. If such arrangements will be made for a direct service provider, the licensee shall provide written notification to the Regional Office, to include the name of the direct service provider and the facility in which he or she will be working, no later than five business days after the direct service provider starts employment with the licensee. The licensee shall conduct a performance evaluation of any direct service provider employed under the exception to the experience requirement of this paragraph no later than 120 days after the direct service provider began his or her employment with the licensee. This performance evaluation shall, at a minimum, include an assessment of the direct service provider's ability to perform the prescribed duties of his or her position. Documentation of this performance evaluation shall be maintained within the personnel file of the direct service provider and made available to the Agency upon request. A violation of this paragraph shall constitute a Class III violation.~~

1. At least one year of experience in a medical, psychiatric, nursing or childcare setting, or other environment where he or she worked directly with persons with a developmental disability.

2. Successfully completed college, vocational or technical training equal to 30 semester hours, 45 quarter hours, or 720 classroom hours in special education, mental health, counseling, guidance, social work or health and rehabilitative services can substitute for the required experience.

(e) A direct service provider hired by the licensee prior to July 1, 2014, and who has remained continuously employed by the licensee, shall be exempt from this subsection.

(f) The requirements in paragraph (2)(d) of this rule may be waived if the facility meets the following conditions with respect to its staff and provides the written notification discussed in paragraph (2)(g) of this rule:

1. A direct service provider who does not meet the experience requirements must spend his or her first 90 days of employment working directly under the supervision or oversight of another direct service provider who meets the requirements. For purposes of this section, "direct supervision or oversight" means a direct service provider who meets the experience requirements and is physically present and immediately available to provide assistance to the new direct service provider who does not meet the experience requirement. For purposes of this section, "physically present" means under the same contiguous roof line.

2. With respect to transporting residents, the direct service provider who does not meet the experience requirement may take residents out of the facility only if accompanied by another direct service provider who meets the one-year experience requirement. In those instances, the experienced direct service provider must remain, remains at all times, within 100 feet of the direct service provider who does not meet the one-year experience requirement.

(g) If the licensee makes an arrangement as described in paragraph (2)(f) of this rule the licensee shall provide written notification to the Regional Office no later than five business days after the direct service provider starts employment with the licensee. This notification must include the name of the direct service provider and the facility in which he or she will be working.

(h) If the licensee makes an arrangement described in paragraph (2)(f) of this rule, the licensee shall also conduct a performance evaluation of any direct service provider employed under subparagraphs (2)(f)1. or 2. of this rule no later than 120 days after the direct service provider began his or her employment with the licensee. This performance evaluation shall, at a minimum, include an assessment of the direct service provider's ability to perform the prescribed duties of his or her position. Documentation of this performance evaluation shall be maintained within the personnel file of the direct service provider and made available to the Agency upon request.

(3) Required Skills for All Direct Service Providers.

(a)(g) A dDirect service provider providers must be capable of effective communication with the residents of the homes as well as other individuals such as ~~waiver~~ support coordinators, Agency staff, family members of residents, and others who routinely interact with residential staff. A violation of this paragraph shall constitute a Class III violation.

~~(b)(4)~~ A direct service provider providers must be mentally competent to comprehend, comply with, and implement all requirements provided by law and Agency rule for the provision of services rendered to residents of their facilities.

(c) A direct service provider In addition, they must be physically capable of performing duties for which he or she is responsible. A violation of this paragraph shall constitute a Class II violation.

~~(2) The licensee must comply with the screening requirements established in Section 393.0655, and Chapter 435, F.S. A violation of this subsection shall constitute a Class I violation.~~

(4) Safety Standards.

(a) A direct service provider shall not be under the influence of alcoholic beverages, medications, or other substances to the extent his or her normal faculties are impaired. For the purposes of this paragraph "normal faculties" include but are not limited to the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgements, act in emergencies and, in general, to perform the mental and physical acts of daily life and employment duties.

~~(b) (3) Licensees are responsible for ensuring that all a direct service provider who transports clients has a valid driver's license. Direct service providers who are responsible for transporting clients shall not possess driving violations, committed within the past three years, which relate to driving under the influence of alcohol or drugs or any other moving violation(s) which resulted in the suspension or revocation of that direct service provider's license. Direct service providers must obey all traffic laws while transporting residents. A violation of this subsection shall constitute a Class III violation.~~

1. A direct service provider responsible for transporting clients shall not possess driving violations, committed within the past three years, which relate to driving under the influence of alcohol or drugs or any other moving violation(s) which resulted in the suspension or revocation of that direct service provider's license.

2. Licensees must update their staff's driving history on an annual basis.

3. A direct service provider must obey all traffic laws while transporting residents.

~~(c)(4) On at least an annual basis, all licensees must access the Florida Department of Law Enforcement's Sex Offender/Predator Database for the purposes of identifying database registrants who reside within a one-mile radius of the facility. The licensee shall notify facility staff of the location of sexual offenders or predators who live within one mile of the facility and document such notification. A violation of this subsection shall constitute a Class III violation.~~

(5) Investigations.

(a) If a licensee, direct services provider, volunteer, or any other person working in the facility receives a verified finding of abuse, neglect, abandonment, or exploitation under chapter 415, F.S. and chapter 39, F.S., in the course of their position with the facility the licensee is subject to disciplinary action outlined in this chapter pursuant to section 393.0673, F.S. The alleged perpetrator may still provide direct services to facility residents if the alleged perpetrator is under the constant visual supervision of another person working in the facility who has not been named as the alleged perpetrator in an ongoing protective investigation.

~~(b)(5) If a licensee, direct service provider, volunteer, or any other person working in the facility has been identified as an alleged perpetrator in an active protective investigation of abuse, neglect, or exploitation of a vulnerable adult under Chapter 415, F.S., or abuse, abandonment, or neglect of a child under Part II of Chapter 39, F.S., and the protective services investigator states a reasonable suspicion that the abuse, neglect, exploitation or abandonment has occurred, the alleged perpetrator shall be prohibited from being alone with facility residents or having access to resident funds, unless he or she is under the constant visual supervision of another person working in the facility who has not been named as the alleged perpetrator in an ongoing protective investigation, until the investigation is closed.~~

~~(b) This subsection is only applicable in situations where the licensee has been made aware of the aforementioned investigation.~~

(c) If the protective investigation concludes with a verified finding of abuse, neglect, exploitation, or abandonment against the alleged perpetrator, the perpetrator shall be prohibited from being alone with facility residents unless he or she is under the constant visual supervision of another person working in the facility who has not, to the knowledge of the licensee, been named as the alleged perpetrator in an ongoing protective investigation, or has a verified finding, until a Corrective Action Plan is accepted and completed. If the perpetrator remains employed by the licensee, the licensee must submit a Corrective Action Plan that contains the following documentation to the Regional Office within 15 days of notification of the verified finding:

1. explanation of why the licensee is not terminating the employment of the perpetrator;

2. what disciplinary action was taken against the perpetrator;

3. any training, including dates, that the direct service provider received; and

4. how the licensee will protect facility residents from abuse, neglect, or exploitation by the perpetrator. A violation of this subsection shall constitute a Class I violation.

(d) If the protective investigation concludes with no verified finding of abuse, neglect, exploitation, or abandonment against the alleged perpetrator, the licensee, direct service provider, volunteer, or other person working in the facility may be permitted to resume unsupervised contact with residents of the facility.

(e) The licensee shall cooperate with DCF during an abuse, neglect, or exploitation investigation and request and obtain documentation of the conclusion of the investigation.

(6) Requirements for All licensees with employees shall develop and maintain the following Ppersonnel Ppolicies, Pprocedures and Rrecords.:

(a) All licensees with employees shall develop and maintain the following:

1.(a) No change.

2.(b) Documentation of all facility staff training, including a record of training dates, training content and trainers, and staff in attendance, shall be kept on file;

3.(c) No change.

4.(d) A weekly written schedule indicating staff coverage for at least one week in advance. Weekly schedules of actual staff coverage shall be maintained for a six-month period and provided to the Regional Office upon request.

(b) The licensee shall provide a copy of any or all items discussed in paragraph (6)(a) of this rule to the Agency or Regional Office upon request, within three calendar days.

(e) A violation of this subsection shall constitute a Class III violation.

(7) Staff Training Requirements. Written documentation of all required staff training must be maintained by the licensee for at least three years following the receipt of such training and be made available to the Agency upon request.

(a) All direct service providers must complete the Agency's Direct Care Core Competency training within 90 days of first providing services or supports to residents.

(b) Written documentation of all required staff training must be maintained by the licensee for at least three years following the receipt of such training and be made available to the Agency upon request.

(c)(b) All direct service providers hired to work in a licensed residential facility facilities subsequent to the date of this rule revision must complete the Agency's Zero Tolerance training curriculum on the detection, prevention, and reporting of abuse, neglect, and exploitation prior to providing direct services. The Zero Tolerance curriculum, effective June 1, 2014, consists of the Zero Tolerance Classroom Participant's Manual,

<https://www.flrules.org/Gateway/reference.asp?No=Ref-04211>, the Zero Tolerance Facilitator's Guide, <https://www.flrules.org/Gateway/reference.asp?No=Ref-04212>,

<https://www.flrules.org/Gateway/reference.asp?No=Ref-04213>, and the "Zero Tolerance—a statewide initiative to end abuse, neglect, and exploitation," (overhead Power Point) which are hereby incorporated by reference. A copy of the Zero Tolerance curriculum materials may be obtained from the Agency's Central Office. In addition, all direct service providers must complete a refresher Zero Tolerance training course every three years. Staff must be able to successfully demonstrate their knowledge of required abuse reporting procedures both in theory and in practice.

(d)(e) A All direct service provider providers must complete a basic first aid course, including instruction in the abdominal thrust maneuver (Heimlich maneuver) and cardio-pulmonary resuscitation (CPR), and shall maintain a current certification in CPR within 90 days of providing direct services. Online or computer-based courses are not acceptable to meet for meeting this requirement; such training must be provided in a classroom setting by a certified trainer. Facilities shall ensure there is always at least one direct service provider with current CPR certification onsite when residents are present.

(e)(d) No change.

(f)(e) For those residents with behavior plans, staff must be trained on the residents' current behavioral plans by a certified behavioral analyst. Documentation of the training must be maintained in the staffs' personnel record.

(g) Ffacilities shall comply with the requirements of Chapter 65G-8, F.A.C.

(f) A violation of this subsection shall constitute a Class III violation.

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

Rulemaking Authority 393.501(1), 393.067(1), 393.067(7), 393.501(1) FS. Law Implemented 393.0655, 393.067 FS. History—New 7-1-14, Amended 8-6-17, _____.

65G-2.009 Resident Care and Supervision Standards.

(1) Resident Care Standards MINIMUM STANDARDS. Residential facility services shall ensure the health and safety of the residents and shall also address the provision of

(a) In order to ensure the health and safety of the facility's residents, which includes providing appropriate physical care and supervision, cEach facility shall:

1. FFacilitate the implementation of resident client support plans, behavior plans, and any other directions from medical or health care professionals as applicable,

2. correctly and appropriately implement reactive strategy as necessary in accordance with the resident's behavior plan, the staff's training in reactive strategies, Florida Statutes, and the Florida Administrative Code.

~~3.2. c~~ Contact the resident's ~~client's~~ support coordinator, as necessary, to ensure the timely provision of needed medical and dental care; ~~and;~~

4. contact the resident's legal representative, if no support coordinator is assigned, to ensure the timely provision of needed medical and dental care;

5. provide care and treatment for each resident that is individualized and appropriate to reflect the differences in each individual resident's personal goals, abilities, sex, age, and special needs;

~~6.3. p~~ Participate in staff training and meetings as required by the Agency; ~~and;~~

~~7.(b)~~ The facility ~~must~~ employ sufficient staff so that it is not dependent upon the use of volunteers or residents. However, residents shall be encouraged, but not required, to perform ~~age and ability appropriate~~ personal housekeeping chores and independent activities of daily living that are appropriate to their age, behavioral considerations, and ability such as: ~~maintaining his or her own quarters. A resident may also be expected to participate in an independent daily living skills program which may include the sharing of, or responsibility for, ordinary household tasks such as meal preparation, grocery shopping, dishwashing, laundering, and cleaning of common areas of the residence, lawn care, gardening and other tasks generally performed by a typical family.~~

a. maintaining his or her own quarters; and

b. participating in ordinary household tasks such as meal preparation, grocery shopping, dishwashing, laundering, cleaning common areas of the residence or site, lawn care, gardening, and other tasks generally performed by a typical family.

~~(c)~~ The treatment and care of residents shall be individualized and appropriate to differences in personal goals, abilities, sex, age, and special needs.

~~(b)(d)~~ The facility shall adhere to and protect resident rights and freedoms in accordance with the Bill of Rights of Persons with Developmental Disabilities, as provided in ~~s~~Section 393.13, F.S. This includes, but is not limited to, honoring and protecting each resident's right to; ~~Violations of Section 393.13(3)(a), F.S., relating to humane care, abuse, sexual abuse, neglect, or exploitation and all violations of Section 393.13(3)(g), F.S., shall constitute a Class I violation. All other violations of Section 393.13(3), F.S., shall constitute Class III violations. All violations of Sections 393.13(4)(e)1. and 2., (f), and (g), F.S., shall constitute Class I violations. All violations of Section 393.13(4)(h), F.S., shall constitute Class II violations. All other violations of Section 393.13(4), F.S., shall constitute Class III violations.~~

1. Dignity, privacy, and humane care, including the right to be free from abuse, including sexual abuse, neglect, and exploitation, as set forth in section 393.13(3)(a), F.S.;

2. Be free from harm, including unnecessary physical, chemical, or mechanical restraint, isolation, excessive medication, abuse, or neglect;

3. Religious freedom and practice;

4. Receive services, within available sources, which protect his or her personal liberty and which are provided in the least restrictive conditions necessary to achieve the purpose of treatment;

5. Participate in an appropriate program of quality education and training services, within available resources, regardless of chronological age or degree of disability;

6. Social interaction and participation in community activities;

7. Physical exercise and recreational opportunities;

8. Consent to or refuse treatment, subject to the powers of a legal representative, natural guardian, or guardian advocate appointed under section 393.12, F.S., or a guardian appointed under chapter 744, F.S.;

9. When otherwise qualified, not be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity which receives public funds by reason of having a developmental disability; and

10. When otherwise qualified, not be denied the right to vote in public elections on the basis of having a developmental disability.

~~(c)(e)~~ No change.

~~(d)~~ Each facility shall establish, maintain, and make available to residents and employees written house rules and regulations in consultation with residents, for the orderly operation of the group home facility.

~~(e)~~ Each facility shall, when appropriate, help establish resident government within the meaning of section 393.13, F.S.

~~(f)(+)~~ Within the scope of the licensee's responsibility for care and supervision of residents, the licensee shall ensure that there is appropriate action taken for a resident's essential, routine, or preventive care following a resident's medical, dental, therapy or other health care-related appointments. The licensee's responsibility includes, but is not limited to: for residents, or assisting residents in scheduling their own appointments, as well as appropriate training of staff on changes in medication or dietary regimens, positioning of residents, utilization of specialized equipment, or any other area which has changed subsequent to any such appointments that would be within the purview and authority of the licensee to accomplish. As used in this paragraph "essential care" refers to care and follow-up measures that are medically necessary or directed by a treating physician or health care practitioner for the purpose of continuing an ongoing course of treatment of, or therapy for, a resident's illness, injury, medical condition or diagnosis until such time as such care and follow-up measures

are no longer directed or recommended by the physician or health care practitioner. A violation of this paragraph shall constitute a Class I violation.

1. scheduling additional appointments for residents or assisting residents in scheduling their own appointments; and

2. providing staff with appropriate training on changes in medication or dietary regimens, positioning of residents, utilization of specialized equipment, or any other area which has changed after any such appointments that would be within the licensee's purview and authority to supervise. Within the scope of the licensee's responsibility for care and supervision of residents, the licensee shall ensure that there is appropriate action taken for a resident's routine or preventive care following a resident's medical, dental, therapy or other health care related appointments to include scheduling additional appointments for residents, or assisting residents in scheduling their own appointments. As used in this paragraph "routine or preventive" means care other than essential care such as routine examinations, annual check-ups, or preventive screenings and dental care and cleanings. A violation of this paragraph shall constitute a Class II violation.

(g) Except as otherwise provided a violation of this subsection shall constitute a Class III violation.

(2) Educational services for exceptional children. Within ten business days after an exceptional student, as defined in section 1003.01, F.S., is admitted to a facility, the facility shall provide written notification of the placement to the school district where the student is currently counted for funding purposes under section 1011.62, F.S. The facility shall also provide written notification to the receiving school district. The facility shall be responsible for enrolling the student in school.

(3)(2) COMMUNITY RELATIONSHIP AND RECREATIONAL ACTIVITIES. Facilities shall provide opportunities for residents to participate in community activities. A violation of this subsection shall constitute a Class III violation.

(4)(3) Transfer and Placement of Residents TRANSFER AND PLACEMENT OF CLIENTS.

(a) No change.

(b) The facility shall only accept and serve persons with developmental disabilities, whether or not such persons are clients of the Agency.

(c) Licensees must only accept residents that have been directly referred to them by the Agency.

(d)(b) The facility shall not accept or serve a resident residents unless it can meet his or her their specific programmatic and physical accessibility needs. The facility must be capable of effectively and safely meeting the needs of all facility residents accepted for placement. The licensee shall ensure that the placement of new residents within the facility does not adversely affect the health, safety, or welfare of

existing facility residents. The licensee must obtain the Agency's approval prior to any proposed placement that would deviate from the criteria specified on the facility's application for licensure. The licensee shall notify the Agency and provide descriptive information on the prospective resident if the proposed placement involves an individual who is not a client of the Agency.

(e) When determining whether to accept a person as a resident of the facility, the facility shall:

1. Ensure that the placement of new residents within the facility does not adversely affect the health, safety, or welfare of current facility residents;

2. Obtain the Agency's approval prior to any proposed placement that would deviate from the criteria specified on the facility's application for licensure; and

3. Provide descriptive information to the Agency on the prospective resident if the proposed placement involves an individual who is not a client of the Agency. This information must include:

a. documentation showing that the individual has an intellectual or developmental disability as defined in Chapter 65G-4, F.A.C.;

b. documentation showing whether the individual has any medical needs or limitations;

c. documentation showing whether the individual has any behavioral issues; and

d. a statement regarding any known criminal history of the individual and, if the individual does have a criminal history, an explanation and documentation of his or her involvement with the legal system.

(f)(e) Prior to a proposed transfer of a client from one licensed facility to another, the licensee shall discuss the transfer and reasons for transfer with the client, the client's authorized representative (if one has been appointed), support coordinator (if available), the Agency, and other involved service providers, as appropriate.

(g) The licensee shall notify the Agency, in writing, of changes in the census of the home within five business days.

(h)(d) A licensee who operates, administers, or manages more than one foster care facility, group home facility or residential habilitation center facility must receive approval from the Agency prior to transferring a client from one of its licensed facilities to another of its licensed facilities. Prior approval shall not be required in the event of an emergency in which there is a substantial probability that the health or safety of the client would be jeopardized in the absence of immediate relocation. Agency approval or notification is not required when a client is transferred within a single comprehensive transitional education program (CTEP).

(e) When a client is moved to a new residential setting, the licensee shall provide any personal belongings of the client to

~~the client or the client's authorized representative. The property inventory list completed in accordance with paragraph (g), below, shall be referenced in order to account for all items.~~

(i) When a resident is moving from a licensee's facility to a new residential setting, the licensee releasing the resident shall:

~~(j)(f) Prior to placement, and T~~to ensure the smooth, safe and most effective transition of a new resident client to the licensee's facility, the licensee receiving the resident shall:

1. prior to placement, pProvide an opportunity for the referred resident client and his or her legal the client's authorized representative to visit the facility;

2. prior to placement, cCooperate with and assist the Agency, the resident's client's support coordinator, and the resident's legal client's authorized representative with the new resident's client's discharge from the former residential setting; and,

3. mMake needed preparations for the new resident client, including ensuring that all staff are made aware of the resident's client's needs, and are properly trained and equipped to meet those needs;-

~~4.(g) Upon placement, upon receiving the resident for care, complete an itemized property inventory list accounting for the resident's client's records, personal funds, serviceable clothing, and any other personal belongings. This inventory shall be completed and signed by the licensee and the resident client or the resident's client's legal representative; and. This inventory record shall be updated within 30 days to reflect the acquisition of new items and reflect items that have been discarded, except that new and discarded articles of clothing are not required to be continually inventoried. The property inventory list completed in accordance with paragraph (g), below, shall be referenced in order to account for all items.~~

5. update the inventory record within 30 days to reflect the acquisition of new items and reflect items that have been discarded, except that new and discarded articles of clothing are not required to be continually inventoried.

~~(h) Facilities that plan to use facility staff to take clients of the Agency out of Florida overnight shall provide prior notification to the Agency.~~

~~(i) The licensee shall cooperate and assist the Agency, the client's support coordinator, and the client's authorized representative in ensuring a smooth discharge of clients to other facilities or residential settings. Within 30 days, unless otherwise approved by the Agency, the licensee shall transfer all personal funds, medications, records, and possessions of the resident in the providers possession to the Agency, the client's support coordinator, the client's authorized representative, or the receiving facility, as applicable.~~

~~(j) A violation of this subsection shall constitute a Class III violation.~~

~~(5)(4) Resident Funds RESIDENT FUNDS. Neither the licensee nor staff employed by the licensee may receive any financial benefit by charging a fee against, borrowing, or otherwise using the personal funds of a client for their personal benefit.~~

(a) Neither the licensee nor staff employed by the licensee may receive any financial benefit by charging a fee against, borrowing, or otherwise using the personal funds of a resident for their personal benefit.

(b) The licensee must develop policies and procedures which detail the methods for management and accounting of any personal funds or benefits of facility residents. The policies and procedures must comply with generally accepted accounting principles. Each staff member having access to resident funds and account information must be trained in the proper implementation of these policies and procedures.

(c) The licensee must obtain written authorization, signed by the resident or their legal representative annually, if they will be responsible for the management of any personal funds of the residents.

~~(d)(a) With respect to clients of the Agency, t~~The licensee shall maintain: ~~written receipts for purchases made with clients funds, valued at \$25.00 or more for at least one year following the date of purchase.~~

1. Written receipts for purchases made with client funds, valued at \$25.00 or more for at least one year following the date of purchase; and

~~2.(b) An accounting A record~~ of income and expenditures from each client's personal funds, which includes any benefits received by a client. Each client's individual accounting must include, but is not limited to: shall be maintained in accordance with generally accepted accounting principles.

a. The group home facility's name and address;

b. The client's name;

c. The client's ending balance for the previous month;

d. The month and year for the accounting form;

e. The date and amount of all deposits and withdrawals;

f. An accounting of the client's personal needs allowance, as defined in Rule 65G-2.018, F.A.C., and any increase in the personal needs allowance based on the annual posting of the maximum federal benefit rate;

g. The account balance following each deposit or withdrawal;

h. A brief statement of the purpose or reason for each deposit and withdrawal;

i. The name and signature of the staff member that completed each deposit or withdrawal;

j. The client's signature, in any instance where money has been withdrawn for the client to use at his or her own discretion; and

k. The ending balance for the month.

~~(e)(e)~~ No change.

(f) Accounting information for financial accounts and for cash must be made on separate forms.

~~(g)(4)~~ Licensees who received benefits on behalf of clients The licensee shall maintain a checking or savings account for the personal funds of clients. If a single account is maintained for multiple clients, a separate accounting must be maintained for each individual client that reconciles monthly to the account's total, as noted on the bank statement, and shall be retained by the provider for review by the Agency. With the exception of the facility's other residents, the personal funds of clients must not be co-mingled with the funds of any other person or entity, including those of the licensee or staff.

1. If a single account is maintained for multiple clients, a separate accounting must be maintained for each individual client that reconciles monthly with the account's total, as noted on the bank statement, and shall be retained by the provider for review by the Agency. This accounting shall include, but is not limited to, an accounting of the client's personal needs allowance, as defined in Rule 65G-2.018, F.A.C., and any increase in the personal needs allowance based on the annual posting of the maximum federal benefit rate.

2. With the exception of the facility's other residents or clients, the personal funds of residents or clients must not be co-mingled with the funds of any other person or entity, including those of the licensee or staff.

~~(e)~~ Each client's individual accounting must include:

1. The group home facility's name and address;
2. The client's name;
3. The client's ending balance for the previous month;
4. The month and year for the accounting form;
5. The date and amount of all deposits and withdrawals;
6. The account balance following each deposit or withdrawal;
7. A brief statement of the purpose or reason for each deposit and withdrawal;
8. The name and signature of the staff member that completed each deposit or withdrawal;
9. The client's signature, in any instance where money has been withdrawn for the client to use at his or her own discretion; and,
10. The ending balance for the month.

~~(h)(f)~~ Each licensee must maintain this client accounting information on Agency form APD 2014-09, (effective April 1, 2014), which is incorporated herein by reference, or in an alternative format that includes all required information contained in the form and tracks all of the information required in paragraph 65G-2.009(4)(e), F.A.C. A copy of this form may be obtained from the Regional Office. The Client accounting records shall be kept on the premises or maintained electronically and in a central location. Relevant current

financial information, such as the account balance and supply of funds, shall be maintained and secured in each facility to allow for purchases and other resident, client or guardian-authorized uses of resident or client funds. Any cash shall be kept in a secure location within the facility. All records shall be made available, as requested by Agency staff for inspection and monitoring purposes.

~~(g)~~ A violation of this subsection shall constitute a Class II violation.

(i) All client records shall be made available upon request by Agency staff for inspection and monitoring purposes.

(j) The licensee, the licensee's employees, and any family members thereof are prohibited from:

1. Being the named beneficiary of a client or resident's life insurance policy unless related to the client or resident by blood or marriage;

2. Receiving any indirect financial benefit from a client or resident's life insurance policy unless related to the client or resident by blood or marriage; or

3. Borrowing or otherwise using a client or resident's personal funds for any purpose other than the client or resident's benefit.

(k) Any records required under this subsection shall be produced, maintained, and contain information required under generally accepted accounting principles.

~~(6)(5)~~ Resident Records CLIENT RECORDS. The facility shall establish and maintain an individual record for each client on the premises. The record shall contain information pertinent to the resident's health, supervision, and care. The records may be maintained electronically.

(a) The facility record shall establish and maintain an individual record for each resident on the premises. The record shall contain information pertinent to the resident's health, supervision, and care. The records may be maintained electronically be the property of the client and shall remain with the client in the event the client moves to a different facility or the facility has a change in providers. However, in accordance with HIPAA, the licensee shall retain a copy of the records for six years, which shall be made available to the Agency for surveying, monitoring and inspection purposes. The licensee is solely responsible for the costs of reproduction of client records for the purposes of this subsection.

(b) All documentation must be in legible English.

~~(c)(b)~~ At a minimum, each resident record the client records shall include:

1. ~~t~~The resident's client's name and date of birth;
2. ~~t~~The resident's name, addresses and telephone number of the client's physician and dentist;
3. ~~c~~Contact information for the resident's client's authorized representative and support coordinator;

4. written authorization signed by the resident or legal Client or authorized representative authorization for routine medical or dental care;

5. mMedical and dental reports, including any examination results and laboratory findings, if received by the facility, and the resident's client's medication history and any special instructions for carrying, lifting, positioning, bathing, assisting with meals or other aspects of personal care;

6. No change.

7. If applicable, a copy of the client's current support plan, as supplied by the client's support coordinator, and any other applicable plans such as an implementation plan; or behavior plan;

7.8. a pProperty inventory list;

8.9. Incident reports directly involving the resident client; and;

9.10. aA color photograph of the resident client taken within the past five years; and-

10. If applicable, a copy of the resident's current support plan, as supplied by the resident's support coordinator, and any other applicable plans such as an implementation plan or behavior plan.

(d)(e) The records shall be current to the greatest extent possible and updated at least 30 days following receipt of new information. If any of the required information is not available, the licensee shall include written documentation in the record that a diligent effort was made to obtain the missing information-

1. The property inventory list must be updated:

a. every six months; and

b. 30 days prior to a resident being discharged.

2. If any of the required information is not available, the licensee shall include written documentation in the record that a diligent effort was made to obtain the missing information.

(c)(d) Resident and cClient records shall be kept confidential in accordance with sSection 393.13, F.S.

(e) A violation of this subsection shall constitute a Class III violation.

(f) Resident records shall be accessible for inspection and duplication by any Agency staff or designated agent of the State of Florida who presents proper State of Florida-issued identification. If Agency staff or a designated agent requests a copy of the records, the facility shall provide a complete copy to the Agency, as soon as possible given the volume of records requested, but in any instance no later than two business days.

(g) Client records in the possession of the facility shall be the property of the client and shall remain with the client in the event that he or she moves to a different facility or the facility has a change in providers. However, in accordance with HIPAA, the licensee shall retain a copy of the records for six years, which shall be made available to the Agency for

surveying, monitoring, and inspection purposes. For the purposes of this subsection, the licensee is solely responsible for the costs of reproducing client records.

(7)(6) Resident Supervision RESIDENT SUPERVISION.

(a) No change.

(b) At least one staff person must be present at all times while residents clients are in the facility. The only exception would be if the licensee prepares a written plan proposing that a specified resident client be left alone for limited periods of time during the day or night. Such plans must be approved by the Regional Office prior to implementation. In granting plan approval, the Agency shall consider the needs, characteristics, and abilities of the resident and the proposed circumstances under which the resident will be left alone. Non-compliance with the approved plans may result in the imposition of administrative fines, the suspension or revocation of such plans, or other administrative actions as appropriate.

(e) A violation of this subsection shall constitute a Class I violation-

(8)(7) Video Monitoring VIDEO MONITORING.

(a) The use of video cameras for the purpose of visually monitoring residents is permitted. Video footage must not be used in any way that may humiliate, punish, demean, or violate the privacy rights of any resident. Video monitoring may also be required by the Agency as a component of any settlement agreement with a licensee, when necessary to assist in the behavioral or medical monitoring, diagnosis, intervention or treatment of residents who require ongoing and continuous supervision due to intensive medical and/or behavioral programmatic issues or if the licensee intends to use the monitoring as a means by which to prevent or detect abuse, neglect, exploitation, or sexual misconduct. Any providers that utilize a video monitoring system shall develop written criteria for determining which residents will be monitored by video camera, and protocols for implementing video monitoring-

(b) A licensee who uses video monitoring, shall:

1. Develop written criteria for determining which residents will be monitored by video camera;

2. Develop written protocols for implementing video monitoring, including but not limited to:

a. who may access video footage;

b. the purpose and use of video recordings; and

c. how, when, and where such footage will be stored, and for how long;

3.(b) Receive Monitoring shall be permitted only with the written consent of the resident, if competent, or the resident's guardian or legal authorized representative prior to using video monitoring;- The facility must explain when and where monitoring will occur and the purposes of the monitoring system.

4. Explain to the Agency, the facility's residents, or, if applicable, a resident's legal representative when and where monitoring will occur and the purpose of the monitoring system;

5.(e) Provide to the Agency (The titles and positions of all persons authorized to access video feeds at off-site locations must be disclosed to the Agency. Such remote access must be accompanied by safeguards, such as firewalls and other security measures, that are sufficient to ensure resident privacy; and-

6. Preserve video footage at the request of the Agency and in accordance with paragraph (f) of this rule.

(c)(d) The use of remote interactive video monitoring, where the licensee or its designee can watch live video from another location in the facility or from an offsite location, shall be limited to vocational and educational settings, medical and special treatment spaces, administrative offices, or common areas. Remote interactive video monitoring may not be used in bedrooms or bathrooms.

(d)(e) The Agency reserves the right to preclude, restrict, or suspend a facility's authority to conduct video monitoring under pursuant to this subsection at any time if the Agency determines that any provision of the provisions of this subsection or of sSection 393.13, F.S., has have been violated.

(e) The videos obtained by the facility through video monitoring shall be considered records of the facility and made available for viewing and duplication by any Agency staff or designated agent of the State of Florida who presents proper State of Florida-issued identification. Such videos must be maintained in a format that permits access and duplication.

(f) Storage – if a facility or licensee elects to install a video monitoring system, it must have (1) a method for saving any video of violations of Florida law and (2) a method to release the saved video to the Agency. A violation of this subsection shall constitute a Class II violation

1. It is the licensee's responsibility to have an adequate storage system capable of saving and releasing the video to the Agency for review.

2. The responsibility to save and release a video to the Agency is the licensee's responsibility. Failure to comply with this section shall be a violation under this chapter.

3. Defenses – Limited storage capacity, technical errors, or design limitations in the video licensee's technology, system, or equipment shall not be defenses to a violation of this section.

(9)(8) Behavioral Interventions and Responses to Behavioral Issues Involving Residents BEHAVIORAL INTERVENTIONS AND RESPONSES TO BEHAVIORAL ISSUES INVOLVING RESIDENTS.

(a) The facility shall have a written statement of policies and procedures governing actions that may be taken by direct service providers to help prevent or respond to problematic behaviors exhibited by residents, including emergency

procedures and reporting requirements. Such policies and procedures, as well as any actions taken by direct service providers involving residents of the facility, shall include emergency procedures, reporting requirements, and be consistent with the provisions of sSection 393.13, F.S., as well as Chapters 65G-4 and 65G-8, F.A.C. A violation of this paragraph shall constitute a Class II violation.

(b) A dDirect service provider must providers shall be trained to appropriately respond in responding to serious and spontaneous behavioral incidents requiring emergency intervention procedures. A violation of this paragraph shall constitute a Class II violation.

(c) A direct service provider must not implement emergency intervention procedures that use restraint or seclusion, or cause physical discomfort, unless he or she has been certified through an Agency-approved emergency procedure curriculum under Chapter 65G-8, F.A.C. Emergency intervention procedures that use restraint or seclusion, or cause physical discomfort require approval from the Local Review Committee prior to implementation. A violation of this paragraph shall constitute a Class II violation.

(d) The following responses are strictly forbidden:

1. Physical or corporal punishment that includes, but is not limited to hitting, slapping, smacking, pinching, paddling, pulling hair, pushing or shoving residents;

2. No change.

3. Verbal abuse such as cursing at residents, using slurs or derogatory names, or screaming; or

4. Humiliation, such as keeping a resident in wet or soiled clothing or diapers, making the resident stand in front of others to be ridiculed, or making the resident wear a sign or dunce cap, placing residents in dark or locked time-out rooms; or-

A violation of this paragraph shall constitute a Class I violation.

5. Any reactive strategy prohibited under Rule 65G-8.009, F.A.C.

(10)(9) Sexual Activity and Physical Contact SEXUAL ACTIVITY.

(a) The licensee shall develop and enforce a written policy regarding sexual activity involving residents of the facility. Such policy shall: must explicitly prohibit sexual activity between a resident and a covered person and any sexual activity that involves residents who are under the age of eighteen. Such policy shall not in any way abridge nor restrict the civil and legal rights of persons with developmental disabilities, including those specified within Section 393.13, F.S.

1. explicitly prohibit sexual activity between a resident and a covered person;

2. explicitly prohibit sexual activity that involves residents who are under the age of eighteen;

3. not in any way abridge nor restrict the civil and legal rights of persons with developmental disabilities, including those specified within section 393.13, F.S.; and

4. address appropriate physical boundaries and standards among direct service providers and residents and must include the following elements:

b. a dress code for both residents and direct service providers shall be established which outlines the type of clothing that is acceptable as well as where and under what circumstances it is acceptable;

c. direct service providers and residents must respect personal space, such as knocking before entering a bedroom except as may be necessary for residents who require visual supervision due to documented behavioral or medical issues;

d. the licensee shall limit access to bedrooms by establishing and enforcing house rules on who is allowed to visit whose bedroom and under what conditions;

e. all residents and direct service providers shall sleep in separate beds;

f. a provision which permits direct service providers to assist or supervise residents while the resident bathes, showers, or toilets, if the resident requires assistance or supervision, and which prohibits staff from bathing, showering, or toileting simultaneously with the resident under any circumstances;

g. guidelines concerning the level and type of supervision required for residents and all direct service providers shall be familiar with such guidelines; and

h. open communication among residents and direct service providers about events occurring in the facility in order to encourage reporting of incidents of inappropriate sexual behavior.

(b) The licensee shall provide direct service providers with training regarding the licensee's policy regarding sexual activity, involving residents of the facility prior to providing direct care services.

~~1. Physical affection between direct service providers and residents should be brief, age appropriate, and should avoid bodily contact, such as lying together or sitting on laps, unless such affection is appropriate and clinically indicated based upon the context, such as consoling a grieving resident upon the death of a loved one, nurturing a young child recently separated from their family, or comforting a resident recovering from surgery;~~

~~2. A dress code, for both residents and direct service providers, shall be established which outlines the type of clothing that is acceptable, and where and under what circumstances it is acceptable;~~

~~3. Direct service providers and residents must respect personal space, such as knocking before entering a bedroom except as may be necessary for residents who require visual supervision due to documented behavioral or medical issues. A~~

~~violation of this subparagraph constitutes a Class III violation;~~

~~4. The licensee shall limit access to bedrooms by establishing and enforcing house rules on who is allowed to visit whose bedroom and under what conditions;~~

~~5. All residents and direct service providers shall sleep in separate beds;~~

~~6. A provision which permits direct service providers to assist or supervise residents while the resident bathes, showers, or toilets, if the resident requires assistance or supervision, and which prohibits staff from bathing, showering, or toileting simultaneously with the resident under any circumstances;~~

~~7. Guidelines concerning the level and type of supervision required for residents and all direct service providers shall be familiar with such guidelines;~~

~~8. Open communication among residents and direct service providers about events occurring in the facility in order to encourage reporting of incidents of inappropriate sexual behavior.~~

(c) The following safeguards shall be implemented in

1. All direct service providers shall review all available written, detailed, and complete history information related to sexually aggressive residents in order to prevent the occurrence of sexual abuse incidents. When available to the licensee, such information provided to staff must include, but is not limited to, the date of the sexual abuse incident, type of abuse, brief narrative outlining the event, type of treatment the resident received and the outcome of the treatment. If the resident is currently in treatment, the licensee shall maintain contact information for the treatment provider;

2. Prior to admission, an individualized Safety Plan shall be developed by a team to assess the risks of serving the sexually aggressive resident and to determine the level of support and supervision required. The team shall include the prospective resident's support coordinator, facility operator, behavior analyst, the prospective resident and his or her legal representative, day program manager, companion, job coach, mental health counselor/psychologist, and school representative, as applicable. The Safety Plan shall address the following components:

a. Court ordered stipulations;

b. Behaviors of concern;

c. Triggers, high-risk situations, environmental stressors, and personal stressors;

d. Known predatory "grooming" behaviors;

e. Media concerns (including social media);

f. Avoidance behaviors to be prompted;

g. Level and type of routine supervision required;

h. Staff assignments, including, but not limited to, consideration of the effectiveness of particular staff based on his or her size, or overall strength;

i. Home location;

j. Bedroom assignments;

k. Community limitations;

l. Day program or work environment supervision; and

m. Alarms and monitoring devices.

3. The prospective resident, if legally competent, or his or her legal representative must sign and agree to the Safety Plan. The Safety Plan shall be reviewed and updated as needed, at least once a year.

4.2. No change.

5.3. A sexually aggressive resident is must not be allowed to share a bedroom with another resident. Such approval approvals shall consider the licensee's plan to ensure assure supervision sufficient to ensure the safety of residents;

6.4. Known sexually aggressive residents who are minors shall never be left alone with other residents in a bedroom, or bathroom, or behind closed doors. Only one resident may use the bathroom at any time that the bathroom door is closed; and;

7.5. Residents who are minors are not permitted to possess obscene materials as defined in sSection 847.001, F.S., on the premises.

~~(d) Except as otherwise provided, a violation of this subsection shall constitute a Class I violation.~~

(11)(10) Solicitation activities SOLICITATION ACTIVITIES. The licensee must have the written permission of the resident client, if competent, or the resident's legal client's authorized representative prior to using the resident's image, voice, client, the client's name, picture, personal information, or disability for the purpose of securing donations. ~~A violation of this subsection shall constitute a Class III violation.~~

(12)(11) First Aid FIRST AID. ~~The facility shall have on the premises an American Red Cross approved first aid kit. The first aid kit shall be maintained in places known to and readily available to all direct service providers. Potentially toxic materials contained within first aid kits should be stored in a manner which does not pose a risk to residents. A violation of this subsection shall constitute a Class III violation.~~

(a) The facility shall have on the premises an American Red Cross-approved first aid kit. The first aid kit shall be maintained in places known to and readily available to all direct service providers.

(b) Potentially toxic materials contained within first aid kits should be stored in a manner which does not pose a risk to residents.

(13)(12) Medication MEDICATION.

(a) Medication shall be administered to a resident clients in accordance with the written order or prescription issued by the resident's individual's health care practitioner. Ongoing staff re-training and competency-based competency-based verification of skills shall be provided when there is evidence of medication errors to correct staff practices and prevent

~~additional occurrences. A violation of this paragraph resulting in a direct, negative impact to the health and safety of the individual, or presenting an imminent danger to the individual shall constitute a Class I violation.~~

(b) All prescription medication shall be kept in its original container bearing the original dated label with legible information stating the prescription number, direction for use, resident's client's name, physician's name, and address of the issuing pharmacy.

(c) Medication shall be kept in a locked enclosure and shall only be accessible by the facility's staff.

(d) A resident whose client, whom the physician has deemed the resident capable of handling his or her his/her own medications, should be encouraged to do so. Staff shall assist the resident client by making the medication available and reminding the resident client to take medication at appropriate times.

(e) The licensee must maintain a current an up-to-date and accurate daily record of prescription and and/or nonprescription medication administered to residents clients in accordance with the provisions of Chapter 65G-7, F.A.C.

(f) The administration of medication to residents, as well as the documentation of administration of such medication, medication storage, and error reporting shall be performed in accordance with sSections 393.13 and 393.506, F.S., Chapter 65G-7, F.A.C., and this rule chapter.

(g) If the licensee or a direct service provider observes or receives reports from other individuals that a resident client may have experienced an adverse reaction to an administered medication, such information must be conveyed immediately to either the prescribing physician or the licensed medical professional employed by the licensee who has been charged with the responsibility of securing appropriate medical treatment for residents with health related issues or concerns. If either the prescribing physician or medical professional employed by the licensee is unable to be reached, facility staff shall immediately seek medical attention for the resident. A violation of this paragraph shall constitute a Class I violation.

(h) With the exception of paragraphs (a) and (g), a violation of this subsection shall constitute a Class II violation.

(14)(13) Specialized Equipment SPECIALIZED EQUIPMENT. ~~The licensee shall ensure that all direct service providers have been trained and are competent in the proper application, monitoring, and removal of specialized equipment worn by residents, including but not limited to Ankle Foot Orthoses (AFOs), leg braces, arm splints, neck collars, helmets, and safety belts. In addition, direct service providers shall be knowledgeable in the proper operation of other specialized equipment required by residents such as wheelchairs, lifts, and positioning devices. The licensee shall contact the appropriate support coordinator(s) as soon as significant signs of wear and~~

~~tear are noticed on specialized equipment used by the residents. A violation of this subsection shall constitute a Class III violation.~~

(a) The licensee shall ensure that all direct service providers have been trained and are competent in the proper application, monitoring, and removal of specialized equipment worn by residents, including but not limited to Ankle-Foot Orthoses (AFOs), leg braces, arm splints, neck collars, helmets, and safety belts.

(b) The licensee shall ensure that all direct service providers are knowledgeable in the proper operation of other specialized equipment required by residents such as wheelchairs, lifts, and positioning devices.

(c) The licensee shall contact the appropriate support coordinator(s) as soon as significant signs of wear and tear are noticed on specialized equipment used by a resident.

(15)(14) Transportation TRANSPORTATION.

(a) The facility shall provide or arrange for the incidental transportation of residents within the community as a typical household would provide for its members. This shall include, but is not limited to, trips to malls, grocery stores, religious worship services, medical or dental appointments, and recreational outings within the surrounding community. These trips shall be provided by the facility at no cost to the residents unless such trips involve destinations which are more than 25 miles from the facility.

(b) A log must be maintained for each participant being transported in a vehicle. The log must be maintained on file at the facility for a minimum of 12 months.

1. All transportation logs must be available for review by the Agency during monitoring visits and upon request.

2. The transportation log must include, at minimum:

a. Name of each resident;

b. The date and time of departure;

c. The date and time of the arrival;

d. Name and signature of the driver; and

e. Name and signature of any other staff or person(s) authorized by the licensee to verify the transportation log to verify that all residents have arrived safely at the destination.

3. Prior to each departure, the transportation log must be recorded with each resident's name, date and time of departure, and initialed by the direct service provider verifying each resident is accounted for.

4. Upon arrival at the destination, the driver of the vehicle must complete the transportation log and mark each resident off the log as the resident departs the vehicle.

(c) The driver must complete a physical inspection and visual sweep of the vehicle at the arrival of the destination to ensure that no resident is left in the vehicle.

(d) If the licensee contracts with an outside entity to provide transportation, the licensee must assign a direct care personnel to perform the duties described in this Rule.

(e) The maximum number of individuals transported must not exceed the manufacturer's designated seating capacity or the number of factory installed seatbelts.

(f) When transporting residents, the staff to resident ratio must be maintained.

(g) Residents must use seatbelts or other safety restraints during transportation.

(h) Direct care staff must meet all training requirements set forth in this rule.

(i) All vehicles used to transport participants must be maintained in a clean condition and pursuant to the vehicle or manufacturers' requirements or instructions to ensure that they are in proper working order. Documentation of the maintenance must be maintained on file for a minimum of 12 months, and available to Agency staff during monitoring visits and upon request.

(j) Smoking and vaping shall be prohibited in vehicles.

(k) The interior of the vehicle, when being used to transport residents must be maintained at a temperature between 65 to 78 degrees Fahrenheit. The vehicle can be ventilated either by mechanical or natural means to maintain the temperature.

(l) Transportation shall be provided by the facility at no cost to the residents unless such trips involve destinations which are more than 25 miles from the facility. If the trip is more than 25 miles, the facility may charge the residents for the excess.

(m)(b) Any vehicle operated by the facility in which residents are transported shall: have a current license plate, carry at least the minimum insurance coverage required by state law, contain a working and tagged fire extinguisher, be operated by a driver holding an appropriate valid driver's license, have working seatbelts and wheelchair tie-downs when applicable, have working heat and air conditioning, and be maintained in a manner to ensure safe transport.

1. have a current license plate;

2. carry at least the minimum insurance coverage required by state law;

3. contain a working and tagged fire extinguisher;

4. be operated by a driver holding an appropriate valid driver's license;

5. have working seatbelts and wheelchair tie-downs when applicable;

6. have working heat and air conditioning; and

7. be maintained in a manner to ensure safe transport.

(c) through (d) renumbered (n) through (o) No change.

(p)(e) Residents shall may not be left unattended in any vehicle operated by the facility. A violation of this paragraph shall constitute a Class I violation.

~~(f) With the exception of paragraph (e), a violation of this subsection shall constitute a Class II violation.~~

~~(g) Facilities that plan to use facility staff to take clients outside of Florida shall provide prior notification to the Agency.~~

~~(16)(15) Communication Among Staff COMMUNICATION AMONG STAFF. A facility shall have a system in place to communicate recent incidents and client information to staff working on subsequent shifts.~~

~~(a) Each facility shall have a system in place to communicate recent incidents and resident information to staff working on subsequent shifts. The system shall include: a mechanism for documenting in writing, any and all information, such as medical or behavioral incidents or physician or therapist orders or recommendations, of which staff should be made aware and which could potentially affect the residents' health or safety if staff were unaware of such information.~~

~~1. a mechanism for documenting in writing, any and all information, such as medical or behavioral incidents or physician or therapist orders or recommendations, of which staff should be made aware and which could potentially affect the residents' health or safety if staff were unaware of such information.~~

~~2.(b) The system established shall include A a procedure or mechanism to ensure assure that the information described in this subsection is reviewed across all shifts.~~

~~(b)(e) No change.~~

~~(d) A violation of this subsection shall constitute a Class III violation.~~

~~(17) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.~~

~~Rulemaking Authority 393.501(1), 393.067(1), 393.067(7), 393.501(1), 393.506(6) FS. Law Implemented 393.067, 393.13, 393.135, 393.506 FS. History—New 7-1-14, Amended _____.~~

65G-2.010 Fire and Emergency Procedures.

~~(1) Emergency Standards EMERGENCY STANDARDS.~~

~~(a) No change.~~

~~(b) There shall be at least one telephone which is accessible to direct service providers and residents for emergency use at all times. The facility must have the following telephone numbers readily accessible at each telephone extension in the facility:~~

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

~~3. Each resident's Residents' doctors;~~

~~4. No change.~~

~~5. Support Coordinator for each resident client;~~

~~6. through 9. No change.~~

~~(c) A violation of this subsection shall constitute a Class III violation.~~

~~(2) Fire Safety Standards FIRE SAFETY STANDARDS.~~

~~The licensee shall annually request that the local authority having jurisdiction over fire safety or the State Fire Marshall shall be requested to annually inspect the facility for compliance with Chapter 69A-38, F.A.C., as applicable. The Facility must have an approved fire inspection prior to receiving a new license or the renewal of a license. Dates and results of required monthly fire drills (i.e., time of day, points of exit used, evacuation time, and signature of person conducting the drill) shall be recorded and maintained for one year following the date of the drills. Required monthly fire drills shall not be conducted between the hours of midnight and 5:00 a.m. Regional Office employees shall be afforded the opportunity to observe monthly fire drills in order to verify the effectiveness and efficiency of evacuations. A violation of this subsection shall constitute a Class III violation.~~

~~(3) Emergency Preparedness Drills.~~

~~(a) Dates and results of required monthly fire drills (i.e., time of day, points of exit used, evacuation time, and signature of person conducting the drill) shall be recorded and maintained for one year following the date of the drills.~~

~~(b) Required monthly fire drills shall not be conducted between the hours of midnight and 5:00 a.m.~~

~~(c) Regional Office employees shall be afforded the opportunity to observe monthly fire drills in order to verify the effectiveness and efficiency of evacuations.~~

~~(4)(3) Emergency Management Plans EMERGENCY MANAGEMENT PLANS.~~

~~(a) Under EMERGENCY PLAN COMPONENTS. Pursuant to section 393.067(8), F.S., each facility shall prepare and maintain a written comprehensive emergency management plan which shall be updated as needed and on an annual basis. The emergency management plan must address the following:~~

~~1. Provisions Provision for all hazards. Each plan shall describe the potential hazards to which the facility is vulnerable such as hurricanes, tornadoes, flooding, fires, hazardous materials, incidents from fixed facilities or transportation accidents, and power outages during severe cold or hot weather.~~

~~2. Provisions Provision for the care of residents remaining in the facility during an emergency, including pre-disaster or emergency preparation, protecting the facility, ensuring residents and staff have adequate supplies, medications, emergency power, food and water, maintaining adequate staffing, and emergency equipment.~~

~~3. Provisions Provision for the care of residents who are evacuated from the facility during an emergency, and provision for the care of any residents that remain in the facility during an emergency, including identification of such residents and transfer of resident records, evacuation transportation, sheltering arrangements, supplies, staffing, emergency equipment, and medications.~~

4. through 5. No change.

6. Arrangement for post-disaster activities including responding to family inquiries, obtaining medical intervention for residents, transportation, and reporting to the county office of emergency management the number of residents who have been relocated and the place of relocation.

7. No change.

(b) Emergency Management Plan Development
~~EMERGENCY MANAGEMENT PLAN DEVELOPMENT.~~

1. Emergency management plans shall be updated at least annually and may be developed with the assistance of appropriate resource persons from the local fire marshal, Regional Office, or local emergency management agency. ~~Comprehensive transitional education programs and facilities which serve residents with complex medical conditions must have their emergency management plans approved by the local emergency management agency.~~

2. No change.

(c) Emergency Management Plan Implementation
~~EMERGENCY MANAGEMENT PLAN IMPLEMENTATION.~~ In the event of an internal or external disaster, the facility shall implement the facility's emergency management plan in accordance with sections 252.355 and 252.356, F.S.

1. All staff must be knowledgeable of facility procedures for handling emergencies, trained in their duties and are responsible for implementing the emergency management plan. All staff must be trained on the facility's emergency management plan within 30 days of hire. Staff shall be trained on the emergency management plan annually, after the plan's annual update.

2. All staff are responsible for implementing the emergency management plan and must be able to implement the emergency management plan. If telephone service is not available during an emergency, the facility shall request assistance from local law enforcement or emergency management personnel in maintaining communication.

3. If telephone service is not available during an emergency, the facility shall request assistance from local law enforcement or emergency management personnel in maintaining communication.

(d) Facility Evacuation ~~FACILITY EVACUATION.~~ The facility must evacuate the premises during or after an emergency if so directed by the local emergency management agency.

1. The facility shall report the evacuation to the designated Agency Regional local office of emergency management or designee and to the Agency within six hours of the evacuation order and at every six hour interval until the evacuation is complete.

2. The facility shall not be reoccupied ~~re-occupied~~ until the

area is cleared for reentry by the local emergency management agency, local fire marshal, or any other agency or entity having authority or its designee and the facility can meet the immediate needs of the residents.

3. In cases where the facility experiences significant structural damage, the licensee or facility staff must relocate residents until the facility can be safely reoccupied ~~re-occupied~~.

4. The licensee or designated facility staff is responsible for knowing the location of all relocated ~~re-located~~ residents and for ensuring until such time that those residents return to the facility safely.

5. The licensee or designated facility staff shall provide the Agency with the name of a contact person who shall be available by telephone 24 hours a day, seven days a week, until the facility is reoccupied ~~re-occupied~~.

6. The licensee or designated facility staff shall assist in the relocation of residents and shall cooperate with outreach teams established by the Agency or emergency management officials to assist in relocation efforts. The Resident ~~Resident~~ needs and preferences of each resident shall be considered to the greatest extent possible in any relocation decision.

(e) Emergency Shelter ~~EMERGENCY SHELTER.~~ In the event a state of emergency has been declared and the facility is not required to evacuate the premises, the facility may provide emergency shelter above the facility's licensed capacity provided the following conditions are met:

1. No person's life, health, and overall Life ~~Life~~ safety will not ~~not~~ be jeopardized for any individual;

2. The immediate needs of all residents and other individuals sheltered at the facility can be met by the facility;

3. Within forty-eight (48) hours following the facility exceeding its capacity, the facility must report ~~reports~~ to the Agency that the facility is over capacity and describes the conditions which have caused it to be over capacity. If the facility will continue to be over capacity after the declared emergency ends, the Agency shall review such ongoing requests on a case-by-case basis; and;

4. The facility must ensure that those individuals who are not residents of the facility are returned to their place of residence or other suitable placement as soon as possible; and The facility maintains a log of the additional persons being housed in the facility. The log shall include the individual's name, usual address, and the dates of arrival and departure. The log shall be available for review by representatives of the Agency and the local emergency management agency or its designee. The admissions and discharge log maintained by the facility may be used for this purpose provided the information is maintained in a manner that is easily accessible.

5. The facility maintains a log of the additional persons being housed in the facility. The log shall include the individual's name, usual address, and the dates of arrival and

departure. The log shall be available for review by representatives of the Agency and the local emergency management agency or its designee. The admissions and discharge log maintained by the facility may be used for this purpose provided the information is maintained in a manner that is easily accessible.

(f) A violation of this subsection shall constitute a Class II violation.

(5)(4) Missing Residents ~~MISSING RESIDENTS~~. A resident who is a minor or an adult resident, participant, or client who has been adjudicated incompetent is considered missing when the resident's whereabouts are unknown for one hour. A legally competent adult resident is considered missing when the resident's whereabouts are unknown for eight hours. After ~~Beyond one hour~~ after determining that a resident ~~child~~ or an adult who has been adjudicated incompetent is missing, staff shall immediately call local law enforcement and ask the officer to:

(a) No change.

(b) Assign a case number and provide the number to the staff person reporting the resident as missing; and,

(c) No change.

(d) If the responding law enforcement officer refuses to take a missing person report for any reason, the staff person making the report will document the name of the officer and call the responding local law enforcement agency and request to speak to the appropriate Watch Commander about the refusal to take a missing person report. ~~If the local law enforcement officials do not accept the report, the staff shall immediately notify the Regional Office. A violation of this paragraph shall constitute a Class III violation.~~

(e) The facility shall make a critical incident report in accordance with paragraph (6)(f) of this rule. Except as otherwise provided a violation of this subsection shall constitute a Class II violation.

(6)(5) Incident Reporting ~~INCIDENT REPORTING~~. In all cases involving known or suspected abuse, neglect or exploitation, the incident shall be reported immediately to the Florida Abuse Hotline as required under sections 39.201 and 415.1034, F.S. The Provider or Covered person must take immediate action in the situation to resolve the emergency and ensure the individual's health and safety. This action may include, but is not limited to, calling 911, or performing Cardiopulmonary Resuscitation (CPR) for recipients without a pulse who are not breathing and do not have a Do Not Resuscitate (DNR) Order, or back blows and abdominal thrust maneuvers for choking. In all cases involving known or suspected abuse, neglect or exploitation, the incident shall be reported immediately to the Florida Abuse Hotline as required under sections 39.201 and 415.1034, F.S. In addition, all incidents must be reported to the Regional Office in the

following manner and according to the specified timeframes utilizing the APD Incident Reporting, Form APD OP 3-0006, effective May 25, 2018, which may be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref 09533>, which is herein incorporated by reference. A copy of this form may be obtained from the Regional Office.

(a) In all cases involving known or suspected abuse, neglect or exploitation, the incident shall be reported immediately to the Florida Abuse Hotline as required under sections 39.201 and 415.1034, F.S. Critical incidents must be reported to the appropriate Regional Office by telephone or in person within 1 hour after facility staff become aware of the incident. If this occurs after normal business hours or on a weekend or holiday the person reporting the incident shall call the Regional Office after hours designee. If the incident occurs between the hours of 8:00 p.m. and 8:00 a.m., a telephonic or in-person contact must be made with the Regional Office no later than 9:00 a.m. It shall be within the provider's discretion and judgment to determine the appropriateness of waiting until the following morning. A supervisor may be the one to make the verbal report. Telephonic or in-person contacts should be followed up with the submission of a completed APD Incident Reporting Form to the Regional Office within 1 business day following the critical incident. This form should be faxed, electronically mailed, or personally delivered to the Regional Office. The information contained in the first page must be provided by the person with firsthand knowledge of the incident. Additionally, any and all follow-up measures taken by a Provider or Covered Person to protect a resident or client, gain control or manage the situation must be noted on the second page of the incident reporting form, which may be completed and submitted to the Regional Office at a later date, not to exceed five business days. The measures must specify what actions will be taken to mitigate a recurrence of the same type of incident. Critical incidents include the following:

1. The unexpected death of a resident or a client;
2. Any sexual activity, as defined in section 393.135, F.S., between a covered person and a resident or client regardless of the consent of the resident or client, incidents of nonconsensual sexual activity between residents or clients, sexual activity involving any resident or client who is a minor; and nonconsensual sexual activity between a resident or client and any person in the community;
3. The unexpected absence or unknown whereabouts, beyond one hour, of a resident or client who is a minor or an adult resident or client who has been adjudicated incompetent;
4. A resident or client has sustained a life-threatening injury or illness;
5. Negative news media reports regarding the operation of the facility or the care of residents or clients;
6. The arrest of a resident or client for a violent criminal

offense;

7. ~~The arrest of a covered person for a potentially disqualifying offense specified in section 393.0655, F.S.; or~~

8. ~~The Department of Children and Families has made a finding of verified abuse, neglect, exploitation, or abandonment by the provider or the provider's employees.~~

(b) The licensee shall report all incidents and follow up measures to incidents to the Agency in the following manner and according to the specified timeframes utilizing the APD Incident Reporting, Form APD OP 3-0006 (effective Month 2024), which may be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is herein incorporated by reference. A copy of this form may be obtained from the Regional Office. Other reportable incidents must be reported to the Regional Office within one business day following the incident through the completion of a written incident report which may be faxed, electronically mailed, or personally delivered to the Regional Office. Additionally, any and all follow-up measures taken by a Provider or Covered Person to protect a resident or client, gain control or manage the situation must be noted on the second page of the incident reporting form, which may be completed and submitted to the Regional Office at a later date, not to exceed five business days. Reportable incidents include:

1. ~~The death of a resident or client that does not constitute an unexpected death;~~

2. ~~Physical altercations occurring between a resident or client and a member of the community, a resident or client and direct service providers, or two or more residents or clients, that results in law enforcement contact;~~

3. ~~Any injury to a resident or client due to an accident, act of abuse, neglect or other incident that occurs or allegedly occurs while the resident or client is receiving services from a covered person that requires the resident or client to receive medical treatment in an urgent care center, emergency room or physician office setting due to injury that is being reported currently or requires admission to a hospital;~~

4. ~~The arrest of a resident or client for a non-violent offense while that resident or client is under the care of a provider or covered person;~~

5. ~~The unexpected absence or unknown whereabouts of a legally competent adult resident or client beyond eight hours;~~

6. ~~Any act which clearly reflects the physical attempt by a resident or client to cause his or her own death;~~

7. ~~The commitment of a resident or client to mental health services pursuant to chapter 394, F.S., also known as the "Baker Act;" or~~

8. ~~Any sudden onset of illness to a resident or client while receiving services from a covered person that requires the resident or client to receive medical treatment in an urgent care center, emergency room or physician office setting due to~~

~~sudden onset of illness or requires admission to a hospital.~~

(c) The reporting provider or covered person shall also immediately notify the resident's legal representative and support coordinator, as appropriate, and, for children in the custody of the Department of Children and Families, the designated caseworker. The person making the report shall also immediately notify the resident's authorized representative and support coordinator, as appropriate and, for children in the custody of the Department of Children and Families, the designated caseworker.

(d) The provider or covered person must take immediate action in the situation to resolve the emergency and ensure the individual's health and safety. This action may include, but is not limited to, calling 911, performing Cardiopulmonary Resuscitation (CPR) for recipients without a pulse who are not breathing, and back blows and abdominal thrust (Heimlich) maneuvers for choking. Upon statewide implementation of the Agency's electronic incident reporting system, licensees shall also be required to submit all critical and reportable incidents to the Agency via the electronic system.

(e) The Incident Reporting Form shall be electronically mailed to the appropriate Regional Office email address for incident reporting within the required timeframes outlined in this rule. The information contained on the first page must be complete and provided by the person with firsthand knowledge of the incident. A violation of this subsection shall constitute a Class II violation.

(f) Critical incidents must be reported to the appropriate Regional Office by telephone or electronic mail within 1 hour after the provider or covered person becomes aware of the incident, followed by a submission of a complete Incident Reporting Form. Telephonic contact does not include the sending of text messages over the phone.

1. A supervisor may be the one to make the telephonic critical incident report.

2. Telephonic contacts should be followed up with the submission of a completed written APD Incident Reporting Form to the designated Regional Office email address for the region in which the client resides within one business day following the critical incident.

3. The APD Incident Reporting Form must be completely filled out and electronically mailed to the designated Regional Office email address for the region in which the client resides.

4. The information contained on the first page of the APD Incident Reporting Form must be provided by the person with firsthand knowledge of the incident.

5. Critical incidents include the following:

a. The unexpected death of a resident or a client;

b. Any sexual activity, as defined in section 393.135, F.S., between a covered person and a resident or client regardless of the consent of the resident or client, incidents of nonconsensual

sexual activity between residents or clients, sexual activity involving any resident or client who is a minor; and nonconsensual sexual activity between a resident or client and any person in the community.

c. The unexpected absence or unknown whereabouts, beyond one hour, of a resident or client who is a minor or an adult resident or client who has been adjudicated incompetent;

d. A resident or client has sustained a life-threatening injury or illness;

e. Negative news media reports regarding the operation of the facility or the care of residents or clients;

f. The arrest of a resident or client for a violent criminal offense;

g. The arrest of a covered person for a potentially disqualifying offense specified in section 393.0655, F.S.;

h. The Department of Children and Families has made a finding of verified abuse, neglect, exploitation, or abandonment by the provider or the provider's employees;

i. Suspected or confirmed human trafficking of a resident, participant, or client; or

j. Resident, participant, or client left in vehicle unattended.

(g) Reportable incidents must be reported to the Regional Office within one business day following the incident by completing a completed a written APD Incident Reporting Form which must be electronically mailed to the designated Regional Office email address for the region in which the resident resides. Reportable incidents include:

1. The death of a resident or client that does not constitute an unexpected death;

2. Physical altercations occurring between a resident or client and a member of the community, a resident or client and direct service providers, or two or more residents or clients, that results in law enforcement contact;

3. Any injury to a resident or client due to an accident, act of abuse, neglect or other incident that occurs or allegedly occurs while the resident or client is receiving services from a covered person that requires the resident or client to receive medical treatment in an urgent care center, emergency room or physician office setting due to injury that is being reported currently or requires admission to a hospital;

4. The arrest of a resident or client for a non-violent offense while that resident or client is under the care of a provider or covered person;

5. The unexpected absence or unknown whereabouts of a legally competent adult resident or client beyond eight hours;

6. Any act which clearly reflects the physical attempt by a resident or client to cause his or her own death;

7. The commitment of a resident or client to mental health services pursuant to chapter 394, F.S., also known as the "Baker Act;"

8. The commitment of a resident, participant, or client to

mental health services through voluntary commitment;

9. Injury of a covered person caused by a resident, participant, or client; or

10. Any sudden onset of illness to a resident or client while receiving services from a covered person that requires the resident or client to receive medical treatment in an urgent care center, emergency room or physician office setting due to sudden onset of illness or requires admission to a hospital.

(h) Any and all follow-up measures taken by a provider or covered person to protect a resident, participant, or client, gain control, remedy or manage the situation must be noted on the second page of the APD Incident Reporting Form, which must be completed and submitted to the Regional Office no later than five business days following the date of the incident. Ongoing follow-up information must be submitted to the Regional Office until the incident is resolved. The measures must specify what actions will be taken to prevent a recurrence of the same type of incident through a prevention plan.

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

Rulemaking Authority ~~393.501(1)~~, 393.067(1), 393.067(7), 393.501(1) FS. Law Implemented 393.067 FS. History—New 7-1-14, Amended 7-1-18,_____.

65G-2.014 Comprehensive Transitional Education Program Standards.

Rulemaking Authority 393.501(1), 393.067 F.S. Law Implemented 393.067, 393.18 F.S. History—New 7-31-91, Formerly 10F-6.013, 65B-6.013, Amended 7-1-14, Repealed_____.

65G-2.015 Siting.

(1) This rule applies to facilities licensed by the Agency under ~~pursuant to~~ sSection 393.067, F.S., and this rule chapter. It does not apply to those facilities licensed as foster care facilities which also utilize live-in caregivers.

(2) Definitions.

(a) No change.

(b) "Facility" means a home licensed by the Agency as defined ~~described~~ within sSection 393.067, F.S., and this chapter.

(c) "Foster care facility" means a residential facility licensed by the Agency as ~~defined described~~ within cChapter 393, F.S., which provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of its residents. The capacity of such a facility shall not be more than three residents.

(d) No change.

(e) "Lot" means a parcel or tract of land ~~defined described~~ by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed

boundaries or an assigned number, letter, or any other legal description by which it can be identified.

~~(f) "Parcel" means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community.~~

(3) All facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule must fully comply with the requirements of Section 419.001, F.S., to the extent applicable.

~~(4) After the effective date of this rule, only one facility may be sited on a single parcel of land. An applicant may seek an exception to this requirement in the following circumstances: If the facilities are located on a single parcel but are each located on a part of the parcel that is separated from the other parts of the parcel by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcel and separates the facilities. Approval by the Agency Director or his/her designee must be obtained prior to licensure under this exception.~~

~~(5) After the effective date of this rule, facilities may be sited on no more than two adjacent parcels of land. An applicant may seek an exception to this requirement in the following circumstances: If the parcels are separated by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcels and separates the facilities. Approval by the Agency Director or his/her designee must be obtained prior to licensure under this exception.~~

~~(4)(6) Even with the aforementioned exceptions described within subsections (4) and (5), of this rule, there shall be not more than three facilities within a radius of 1,000 feet. In addition, licensure of any facility located within 1,000 feet of another facility can only occur if a variance is first granted by the appropriate local government unit in accordance with the provisions of Section 419.001, F.S.~~

(5)(7) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home. For purposes of this rule, distance shall be measured along a radius from the center of the actual parcel (where the new proposed facility is to be located) in all directions. The facility seeking initial licensure or a change in an existing license shall be included in the computation of numbers of facilities within a 1,000 foot radius.

~~(6)(8)~~ The requirements of subsections (4) and (5) of this rule, do not apply to a "community residential home" located within a "planned residential community" as those terms are defined in Section 419.001, F.S. A facility has the burden of establishing that it is a "community residential home" within a "planned residential community." To satisfy this burden, a facility must provide the following documents with its initial

license application and each subsequent license renewal application:

(a) No change.

(b) Documents which verify that the facility:

1. ~~The facility~~ Is a community residential home located within a planned residential community,

2. ~~The planned residential community~~ Is under unified control,

3. ~~The planned residential community~~ Was planned and developed as a whole,

4. ~~The planned residential community~~ Has a gross lot area of 8 acres or more; and,

5. The planned residential community Provides choices with regard to housing arrangements, support providers, and activities.

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

Rulemaking Authority 393.066(8), 393.067(1), 393.067(7), 393.501(1) FS. *Law Implemented* 393.066, 393.067, 393.501 FS. *History—New* 8-1-05, *Formerly* 65B-6.014, *Amended* 7-1-14, _____.

65G-2.017 Health Safety Standards for Licensed Facilities.

Rulemaking Authority 393.066, 393.0662, 393.067, 393.501, 402.33, FS. *Law Implemented* 393.066, 393.0662, 393.067, 402.33, FS. *History—New* 8-17-23, *Repealed* _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NO.: RULE TITLE:

5A-19.001

Agriculture and Aquaculture Producers

Natural Disaster Recovery Loan Program

PURPOSE AND EFFECT: The rule will implement changes made to s. 570.822, Florida Statutes, during the 2025 legislative session (Ch. 2025-22, L.O.F.), including updating the affected program's name to the Agriculture and Aquaculture Producers Emergency Recovery Loan Program.

SUMMARY: The rule implements statutory changes made during the most recent legislative session. These changes include updating the name of the program, expanding qualifying expenses to include the restocking of aquaculture, and modifying the incorporated loan application to conform with those revisions.

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 rules do not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The proposed rule will not impose any costs on regulated businesses. 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), 570.822(9) FS.

LAW IMPLEMENTED: 570.822 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: Brittany Griffith, Assistant Director, Division of Administration, Florida Department of Agriculture and Consumer Services, 407 South Calhoun Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

5A-19.001 Agriculture and Aquaculture Producers ~~Emergency Natural Disaster~~ Recovery Loan Program.

(1) Pursuant to Section 570.822, F.S., the Agriculture and Aquaculture Producers ~~Emergency Natural Disaster~~ Recovery Loan Program (Program) is established within the Department of Agriculture and Consumer Services (Department). The Program will be managed by the Department as a revolving loan fund to make loans to agriculture and aquaculture producers that experienced damage or destruction from a declared ~~emergency Natural Disaster~~. These loan funds shall only be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. The definitions in s. 570.822, F.S., shall apply to this rule.

(2) Application Process.

(a) Following a qualifying dDeclared ~~emergency Natural Disaster~~, the Department will notice the opening of an application period for the Program.

(b) through (c) No change.

(d) Applicants shall submit all documentation and information as required in the Agriculture and Aquaculture Producers ~~Emergency Natural Disaster~~ Recovery Loan Application, FDACS-01421 (XX/XX 40/24), which is hereby adopted and incorporated by reference. The form can be accessed at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX 17151> and is also available for review at <https://www.fdacs.gov/Forms>.

(e) An applicant seeking to use loan funds for purposes authorized by the Program on leased lands must provide authorization from the landowner as part of the application process using the Owner's Authorized Representative form within the Agriculture and Aquaculture Producers ~~Emergency Natural Disaster~~ Recovery Loan Application, FDACS-01421 (XX/XX 40/24), which is incorporated by reference in paragraph (2)(d) of this rule.

(f) No change.

(3) No change.

(4) Loan Terms. Upon approval, the applicant will be provided a standard agreement with terms and conditions for the loan. The Applicant must enter into an agreement with the Department prior to the receipt of funds. The maximum loan amount an per applicant may receive is \$500,000.00 for each application period. Each 10-year loan shall be made at a 0% interest rate, and payments shall be made in accordance with the terms of the loan.

(5) through (6) No change.

Rulemaking Authority 570.07(23), 570.822(9) FS. Law Implemented 570.822 FS. History—New 12-5-24, Amended 4-2-25,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brittany Griffith, Assistant Director, Division of Administration, Florida Department of Agriculture and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Wilton Simpson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 20, 2025

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-4.242

Antidegradation Permitting Requirements;
Outstanding Florida Waters; Outstanding
National Resource Waters

PURPOSE AND EFFECT: The purpose of the rulemaking is to add a provision specifically addressing the appropriate

antidegradation requirements for certain environmental restoration and enhancement projects that occur upstream or within an Outstanding Florida Water (OFW).

SUMMARY: The Department is proposing revisions to further facilitate the restoration of Florida waters by refining the antidegradation requirements for environmental restoration and enhancement projects (as defined in subsection 62-4.020(6), F.A.C.) that occur upstream or within Outstanding Florida Waters (OFWs), while ensuring such projects still meet surface water quality criteria and all other applicable antidegradation requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The SERC prepared by the Agency is accessible at <https://floridadep.gov/dear/water-quality-standards/content/triennial-review-water-quality-standards>.

The rule revisions are not expected to result in additional costs to the public or the Department as a result of any of the proposed revisions.

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:

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

RULEMAKING AUTHORITY: 373.016, 373.171, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.171, 403.021, 403.061, 403.087, 403.088, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702 FS.

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

DATE AND TIME: September 25, 2025 at 9:00 a.m. EDT

PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Room 137, 3900 Commonwealth Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: DEP's Limited English Proficiency Coordinator at

(850)245-2118 or LEP@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: DeAsia Armster, Water Quality Standards Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone (850)245-8429, email WQS_Rulemaking@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters.

(1) No change.

(2) Standards Applying to Outstanding Florida Waters.

(a) No Department permit or water quality certification shall be issued for any proposed activity or discharge within an Outstanding Florida Waters, or which significantly degrades, either alone or in combination with other stationary installations, any Outstanding Florida Waters, unless the applicant affirmatively demonstrates that:

1. No change.

2. The proposed activity of discharge is clearly in the public interest, and either:

a. No change.

b. The existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge, except on a temporary basis during construction for a period not to exceed thirty days; lowered water quality would occur only within a restricted mixing zone approved by the Department; and, water quality criteria would not be violated outside the restricted mixing zone. The Department may allow an extension of the thirty-day time limit on a construction-caused degradation for a period demonstrated by the applicant to be unavoidable and where suitable management practices and technology approved by the Department are employed to minimize any degradation of water quality, or-

c. The discharge or activity is part of an environmental restoration and enhancement project and meets all other applicable anti-degradation requirements in subsection (1) above.

(b) through (f) No change.

(3) No change.

Rulemaking Authority 373.016, 373.171, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 373.016, 373.171, 403.021, 403.061, 403.087, 403.088, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702 FS.

History—New 3-1-79, Amended 5-14-81, 9-30-82, 3-31-83, 4-9-84, 11-29-84, 12-11-84, 5-8-85, 7-22-85, 8-31-88, 9-13-89, 10-4-89, Formerly 17-4.242, Amended 1-23-95, 5-15-02, 8-1-13, 2-17-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lawrence Glenn, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alexis A. Lambert, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 17, 2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-302.200	Definitions
62-302.300	Findings, Intent, and Antidegradation Policy for Surface Water Quality
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters
62-302.530	Table: Surface Water Quality Criteria
62-302.531	Numeric Interpretations of Narrative Nutrient Criteria
62-302.532	Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion
62-302.533	Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters
62-302.700	Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters
62-302.800	Site Specific Alternative Criteria

PURPOSE AND EFFECT: The Department is revising a variety of rule provisions in Chapter 62-302, F.A.C., as part of the federally required “Triennial Review” of Florida’s water quality standards. Proposed changes, which are described below, will serve to update Florida’s water quality standards to better protect Florida’s surface water resources by updating water quality criteria and clarifying existing rule language.

SUMMARY: The Department is amending Chapter 62-302, F.A.C., to: 1) add text to the definition of natural background to account for other scientifically valid approaches to establish natural background for altered waterbodies, 2) revise the definition for “stream” to clarify the process to demonstrate a waterbody is non-perennial, 3) update rule references, 4) add cross-references to biological standard operating procedures and Primers that are incorporated by reference into Chapter 62-160, F.A.C., to reflect the most recently adopted versions, 5) add language incorporating compliance schedule authorization provisions, 6) revise the Numeric Nutrient Criteria Implementation document to focus the document to those sections determined to be Florida water quality standards by the

U.S. Environmental Protection Agency (EPA) and focus on clarifying the implementation of Florida’s numeric nutrient standard for streams, 7) add text to paragraph 62-302.400(17), F.A.C., to notify readers that waters listed as Class I-Treated have not been submitted to or approved by EPA and will remain Class III until the classification and reclassification are approved by EPA, 8) clarify rule language describing the spatial extent of Class II waters (shellfish propagation or harvesting) and incorporate maps by reference of Class II waters in Bay, Charlotte, Collier, Duval, Escambia, Flagler, Gulf, Hillsborough, Jefferson, Lee, Manatee, Martin, Monroe, Nassau, Okaloosa, Palm Beach, Pinellas, St. Johns, Santa Rosa, Sarasota, and Wakulla Counties, 9) add language to clarify the range of temperature values used to calculate the applicable Total Ammonia Nitrogen criterion, 10) revise the fecal coliform bacteria criterion applicable to Class II waters, 11) add minimum sample collection requirements for the monthly geometric mean E.coli and Enterococci criteria, 12) clarify the implementation of the ten percentile threshold value (TPTV) E. coli criterion applicable to Class III freshwaters to address small sample sizes, 13) clarify the implementation of the TPTV Enterococci criterion applicable to Class III marine waters to address small sample sizes, 14) revise the Estuary Nutrient Region (ENR) maps for Blackwater Bay, Lower Halifax River Estuary River, St. Marks River Estuary, Clam Bay, Lower St. Johns River and Tributaries, and Upper South Fork St. Lucie River, 15) revise the Florida Coastal Segment map, 16) add time-of-day adjustments for ambient dissolved oxygen data to mirror the text in the Impaired Water Rule (Chapter 62-303, F.A.C.), 17) add the Nature Coast Aquatic Preserve, which was designated an Outstanding Florida Water (OFW) by the Florida legislature effective July 1, 2020, to the table of OFWs, 18) revise references to definitions of “canals” and “channels” in the descriptions of Special Waters OFWs to reference statutory definitions, 19) add requirements for entities to provide information about the occurrence of threatened and endangered species and critical habitat within the waters proposed for Type II site specific alternative criteria (SSACs), and 20) add FPL Martin County Total Ammonia Nitrogen (TAN) Type II SSAC. Other Rules Incorporating This Rule: Chapter 62-302, F.A.C., is referenced by the following rules:

18-2.021, 62-4.160, 62-4.241, 62-4.242, 62-4.244, 62-4.246, 62-25.001, 62-25.025, 62-25.080, 62-40.120, 62-40.210, 62-45.070, 62-45.170, 62-110.106, 62-113.200, 62-301.100, 62-302.200, 62-302.300, 62-302.400, 62-302.500, 62-302.520, 62-302.530, 62-302.531, 62-302.532, 62-302.540, 62-302.700, 62-302.800, 62-303.100, 62-303.200, 62-303.320, 62-303.330, 62-303.351, 62-303.352, 62-303.353, 62-303.354, 62-303.370, 62-303.390, 62-303.400, 62-303.430, 62-303.450, 62-303.720, 62-304.310, 62-304.335, 62-312.400, 62-330.100, 62-330.200, 62-330.405, 62-330.410, 62-330.412, 62-330.630, 62-340.700, 62-

346.050, 62-346.051, 62-346.301, 62-348.200, 62-520.200, 62-520.520, 62-528.610, 62-528.630, 62-600.120, 62-600.200, 62-600.300, 62-600.400, 62-600.430, 62-600.440, 62-600.500, 62-600.520, 62-610.200, 62-610.300, 62-610.310, 62-610.554, 62-610.555, 62-610.650, 62-610.670, 62-610.810, 62-610.820, 62-610.830, 62-610.850, 62-610.860, 62-611.110, 62-611.200, 62-611.450, 62-611.500, 62-611.600, 62-611.650, 62-611.700, 62-620.320, 62-620.620, 62-621.303, 62-624.800, 62-625.400, 62-640.400, 62-650.300, 62-660.300, 62-673.340, 62-673.610, 62-701.200, 62-709.500, 62-711.540, 62-761.200, 62-762.201, 62-770.200, 62-771.100, 62-777.150, 62-777.170, 62-780.200, 62-782.200, 62-785.200, 62B-49.008, 62B-49.012, 62C-16.0051, F.A.C.

Summary of Effects on Other Rules Incorporating by this Rule by Reference:

The other rules that cross-reference these rules do not require any corrections or amendments by the Department as a result of the proposed revisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The SERC prepared by the agency is accessible at <https://floridadep.gov/dear/water-quality-standards/content/triennial-review-water-quality-standards>.

The revisions to Chapter 62-302, F.A.C., are primarily either clarifications or provide additional flexibility in implementation, and thus, are not expected to result in additional costs.

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:

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

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.414, 403.021, 403.021(11), 403.031, 403.061, 403.062, 403.067, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708, 403.802 FS.

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

DATE AND TIME: September 25, 2025, at 9:00 a.m. EDT

PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Room 137, 3900 Commonwealth Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: DEP's Limited English Proficiency Coordinator at 850-245-2118 or LEP@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: DeAsia Armster, Water Quality Standards Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone (850)245-8429, email WQS_Rulemaking@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-302.200 Definitions.

As used in this chapter:

(1) "Acute toxicity" shall mean a concentration greater than one-third (1/3) of the amount lethal to 50% of the test organisms in 96 hours (96 hr LC₅₀) for a species protective of the indigenous aquatic community for a substance not identified in paragraph 62-302.500(1)(c) or (d), F.A.C., or for mixtures of substances, including effluents.

(2) through (15) No change.

(16) "Lake" shall mean, for purposes of interpreting the narrative nutrient criterion in paragraph ~~62-302.530(48)(b)~~ ~~62-302.530(47)(b)~~, F.A.C., a lentic fresh waterbody with a relatively long water residence time and an open water area that is free from emergent vegetation under typical hydrologic and climatic conditions. Aquatic plants, as defined in subsection 62-340.200(1), F.A.C., may be present in the open water. Lakes do not include springs, wetlands, or streams (except portions of streams that exhibit lake-like characteristics, such as long water residence time, increased width, or predominance of biological taxa typically found in non-flowing conditions).

(17) "Lake Vegetation Index (LVI)" shall mean a Biological Health Assessment that measures lake biological health in predominantly freshwaters using aquatic and wetland plants, performed and calculated in accordance with the requirements as set forth in Rule 62-160.210, F.A.C. using the Standard Operating Procedures for the LVI in the document titled LVI 1000: Lake Vegetation Index Methods (DEP SOP-003/11 LVI 1000), dated 3/1/14 (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>~~), and the methodology in Sampling and Use of the Lake

Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP SAS 002/11), dated 10/24/11 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06038>), which are incorporated by reference herein. Copies of the documents may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

(18) No change.

(19) “Natural background” shall mean the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background for an altered waterbody may be based upon a similar unaltered waterbody, historical pre-alteration data, paleolimnological examination of sediment cores, ~~or~~ examination of geology and soils, or other scientifically valid approaches. When determining natural background conditions for a lake, the lake’s location and regional characteristics as described and depicted in the U.S. Environmental Protection Agency document titled Lake Regions of Florida (EPA/R-97/127, dated 1997, U.S. Environmental Protection Agency, National Health and Environmental Effects Research Laboratory, Corvallis, OR) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06267>), which is incorporated by reference herein, shall also be considered. The lake regions in this document are grouped according to ambient total phosphorus and total nitrogen concentrations in the following lake zones:

(a) through (k) No change.

(20) through (21) No change.

(22) “Nutrient” shall mean ~~total~~ nitrogen or (TN), total phosphorus (TP), including totals and ~~or~~ their organic or inorganic components ~~forms~~.

(23) “Nutrient response variable” shall mean a biological variable, such as chlorophyll a, biomass, or structure of the phytoplankton, periphyton or vascular plant community, that responds to nutrient load or concentration in a predictable and measurable manner. For purposes of interpreting paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., dissolved oxygen (DO) shall also be considered a nutrient response variable if it is demonstrated for the waterbody that DO conditions result in biological imbalance and the DO responds to a nutrient load or concentration in a predictable and measurable manner.

(24) through (27) No change.

(28) “Pollution” shall mean the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or man-made or human-induced ~~impairment of air or waters or man-induced~~ alteration of the chemical, physical, biological or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant

life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

(29) through (35) No change.

(36) “Stream” shall mean, for purposes of interpreting the narrative nutrient criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., under paragraph 62-302.531(2)(c), F.A.C., a predominantly fresh surface waterbody with perennial flow in a defined channel with banks during typical climatic and hydrologic conditions for its region within the state. During periods of drought, portions of a stream channel may exhibit a dry bed, but wetted pools are typically still present during these conditions. For a flowing waterbody or waterbody segment to be considered perennial it must exhibit measurable flow for at least 180 consecutive days in greater than 50% of years. Flowing waterbodies or segments of flowing waterbodies that exhibit lesser flow duration shall be considered non-perennial unless there is site-specific bioassessment information based on the resident flora or fauna that an aquatic community is present that would require perennial flow. Evaluation of waters considered streams shall be consistent with the “Implementation of Florida’s Numeric Nutrient Standard for Streams, June 2025”, effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18131>), which is incorporated by reference herein. Copies of the implementation document may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400. Streams do not include:

(a) Non-perennial waterbody ~~water~~ segments where site specific bioassessment information or flow data indicate fluctuating hydrologic conditions, including periods of desiccation; typically result in the dominance of wetland and/or terrestrial taxa (and corresponding reduction in obligate fluvial or lotic taxa); wetlands; portions of streams that exhibit lake characteristics (e.g., long water residence time, increased width, or predominance of biological taxa typically found in non-flowing conditions); or tidally influenced segments that routinely reverse the direction of flows or fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions, or

(b) No change.

(37) “Stream Condition Index (SCI)” shall mean a Biological Health Assessment that measures stream biological health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated in accordance with the requirements as set forth in Rule 62-160.210, F.A.C. using the Standard Operating Procedures for the SCI in the document titled SCI 1000: Stream Condition Index Methods (DEP SOP 003/11 SCI 1000), dated 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref->

06039), and the methodology in Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP SAS 001/11), dated 10-24-11 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06040>), which are incorporated by reference herein. Copies of the documents may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region.

(38) through (42) No change.

(43) "Waters" shall be as defined in Section 403.031(13), F.S.

(44) No change.

Rulemaking Authority 403.061, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented, 403.021(11), 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS. History—New 5-29-90, Amended 2-13-92, Formerly 17-302.200, Amended 1-23-95, 5-15-02, 4-2-08, 7-3-12, 8-1-13, 2-17-16, .
Editorial Note: Rule subsections 62-302.200(1) (3), (5), (7), (9) (15), (18) (21), (29) (30), (34), (38), (40), (42), and (44), became effective on 7-3-12, 20 days after filing the rule certification package for Florida's numeric nutrient standards. Rule subsections 62-302.200(4), (16) (17), (22) (25), (35) (37), and (39), will become effective upon approval by EPA in their entirety, conclusion of rulemaking by EPA to repeal its federal numeric nutrient criterion for Florida, and EPA's determination that Florida's rules address its January 2009 determination that numeric nutrient criteria are needed in Florida.

62-302.300 Findings, Intent, and Antidegradation Policy for Surface Water Quality.

(1) through (16) No change.

(17) If the Department finds that a proposed new discharge or expansion of an existing discharge will not reduce the quality of the receiving waters below the classification established for them, it shall permit the discharge if such degradation is necessary or desirable under federal standards and under circumstances which are clearly in the public interest, and if all other Department requirements are met. Projects permitted under Part IV of Chapter 373, F.S., shall be considered in compliance with this subsection if those projects comply with the requirements of Section 373.414(1), F.S.; also projects permitted under the grandfather provisions of Sections 373.414(11) through (16), F.S., or permitted under Section 373.414(5) 373.4145, F.S., shall be considered in compliance with this subsection if those projects comply with the requirements of subsection 62-312.080(2), F.A.C.

(18) No change.

(19) As authorized under section 403.088, Florida Statutes, schedules of compliance for NPDES permits shall be consistent with the requirements of subsections 62-4.160(10), 62-

620.610(12), and 62-620.620(6), F.A.C. The implementation of numeric nutrient standards under Rules 62-302.531 and 62-302.532, F.A.C., shall be implemented consistent with the document titled "Implementation of Florida's Numeric Nutrient Standards," dated April 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02905>), which is incorporated by reference herein. Copies of this document may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400. This document references the following documents, which are incorporated by reference and may be obtained from the address above.

(a) The following documents are incorporated by reference herein:

1. Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP SAS 001/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02906>);

2. Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP SAS 002/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02907>);

3. SCI 1000 Stream Condition Index Methods (DEP SOP 003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>);

4. LVI 1000 Lake Vegetation Index Methods (DEP SOP 003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>);

5. FS 7000 General Biological Community Sampling (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06041>);

6. FT 3000 Aquatic Habitat Characterization (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>);

7. Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients, (DEP SAS 004/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02912>);

8. Applicability of Chlorophyll a Methods (DEP SAS 002/10), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02914>);

9. Map of the Nutrient Watershed Regions, dated October

17, _____ 2011
(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02915>);

10. Mann's one-sided, upper tail test for trend, as described in *Nonparametric Statistical Methods* by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02916>);

11. Guide to Permitting Wastewater Facilities or Activities Under Chapter 62 620, F.A.C., dated July 9, 2006 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02917>); and,

12. Rules 62 302.200 and 62 302.400, paragraphs 62 302.530(47)(a) and (47)(b), and rules 62 302.531, 62 302.532, 62 302.800, 62 303.100, 62 303.350, 62 303.353, 62 303.390, 62 303.450, 62 340.200, 62 620.610, 62 620.620, 62 650.400, and 62 650.500, F.A.C.

(b) The following documents, each of which is incorporated by reference herein, are cited in *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP SAS 001/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02906>):

1. SCI 1000 Stream Condition Index Methods (DEP SOP 003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>);

2. LVI 1000 Lake Vegetation Index Methods (DEP SOP 003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>);

3. FS 7000 General Biological Community Sampling (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06041>);

4. FT 3000 Aquatic Habitat Characterization (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>);

5. Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients, (DEP SAS 004/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02912>); and,

6. Development of Aquatic Life Use Support Attainment Thresholds for Florida's Stream Condition Index and Lake Vegetation Index (DEP SAS 003/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02913>).

(c) The following document, which is incorporated by reference herein, is cited in *Sampling and Use of the Lake*

Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP SAS 002/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02907>); LVI 1000 Lake Vegetation Index Methods (DEP SOP 003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04334>).

(d) The following documents, each of which is incorporated by reference herein, are cited in one of the Standard Operating Procedures identified above in paragraph 62 302.300(19)(a), F.A.C.

1. SCI 1000 Stream Condition Index Methods (DEP SOP 003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>);

a. Merritt, R.W., and Cummins, K.W., *An Introduction to the Aquatic Insects of North America*, Third Edition, 1996;

b. *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP SAS 001/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02906>); and,

c. FT 3100 Stream and River Habitat Assessment (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06035>).

2. LVI 1000 Lake Vegetation Index Methods (DEP SOP 003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>);

a. Rule 62 340.450, F.A.C.; and,

b. *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP SAS 002/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02907>).

3. FS 7000 General Biological Community Sampling (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06041>); *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP SAS 002/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02907>).

4. FT 3000 Aquatic Habitat Characterization (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>); FA 5720, Section 1, *Training for Habitat Assessment Testing*, in DEP SOP 001/01, dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06036>).

(e) The following documents, each of which is incorporated by reference herein, are cited in Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients, (DEP SAS 004/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02912>), identified above in subsection 62-302.300(19), F.A.C.

1. FT 3000 Aquatic Habitat Characterization (DEP SOP 001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>);

2. Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP SAS 001/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02906>);

3. Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP SAS 002/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02907>);

4. Chapters 62-160 and 62-303, paragraphs 62-302.530(47)(b), 62-302.531(2)(a), and 62-302.531(e), and Rules 62-302.531 and 62-302.800, F.A.C.;

5. Process for Assessing Data Usability (DEP EA 001/07), dated March 31, 2008 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02919>);

6. Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance, U.S. Environmental Protection Agency, EPA 530/R-09-007, March 2009 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02920>); and,

7. Helsel, D.R. and R. M. Hirsch, Techniques of Water-Resources Investigations of the United States Geological Survey, Book 4, Hydrologic Analysis and Interpretation, Chapter A3, Statistical Methods in Water Resources, pages 80—81, September 2002, U.S. Geological Survey (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02921>).

(f) The following scientific analytical methods and documents, each of which is incorporated by reference herein, are cited in Applicability of Chlorophyll a Methods (DEP SAS 002/10), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02914>), identified above in subsection 62-302.300(19), F.A.C.

1. Method 445.0 In Vitro Determination of Chlorophyll a and Pheophytin a in Marine and Freshwater Algae by Fluorescence, Elizabeth J. Arar and Gary B. Collins, Revision 1.2, September 1997, National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02922>);

2. Method 446.0 In Vitro Determination of Chlorophylls a, b, c₁ + c₂ and Pheopigments in Marine And Freshwater Algae by Visible Spectrophotometry, adapted by Elizabeth J. Arar, Revision 1.2, September 1997, National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02923>);

3. Method 447.0 Determination of Chlorophylls a and b and Identification of Other Pigments of Interest in Marine and Freshwater Algae Using High Performance Liquid Chromatography with Visible Wavelength Detection, Elizabeth J. Arar, Version 1.0, September 1997, National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02924>); and,

4. Standard Methods for the Examination of Water and Wastewater, Methods H.2.b, H.3, and H.4., 1999, American Public Health Association, American Water Works Association, Water Environment Federation (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02925>).

(g) The following rules, each of which is incorporated by reference herein, are cited in Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated July 9, 2006 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02917>): Rules 62-4.242 and 62-4.246, F.A.C., paragraphs 62-4.244(3)(a) and (d), F.A.C., Chapters 62-160, 62-302, 62-520, 62-522, 62-528, 62-600, 62-601, 62-604, 62-610, 62-611, 62-620, 62-625, 62-640, 62-650, 62-660, 62-670, 62-671, 62-672, and 62-673, F.A.C.

Rulemaking Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 373.414, 403.021(11), 403.061, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708, 403.802 FS. History—Formerly 17-3.041, Amended 1-28-90, Formerly 17-3.042, 17-302.300, Amended 12-19-94, 1-23-95, 12-26-96, 5-15-02, 12-7-06, 7-17-13, 2-17-16, ____.

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters.

(1) through (4) No change.

(5) In addition to meeting applicable water quality criteria in Chapter 62-302, F.A.C., Class I-Treated Potable Water Supplies (Class I-Treated) waters shall also meet the requirements for discharged substances in Section 403.061(30)(b) 403.061(29)(b), F.S. Interested parties may provide the Department with documentation demonstrating that

a Class I-Treated water would not attain the requirements of Section ~~403.061(30)(b)~~ ~~403.061(29)(b)~~, F.S., in accordance with Rule 62-620.555, F.A.C.

(6) through (14) No change.

(15) The surface waters of the State of Florida are classified as Class III – Fish Consumption; Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife, except for certain waters which are described in subsection 62-302.400(16), F.A.C. A waterbody may also be designated as an Outstanding Florida Water or an Outstanding National Resource Water. Outstanding Florida Waters and Outstanding National Resource Waters are not designated use classifications. A waterbody may also have special standards applied to it. However, notwithstanding any provision of this section, no classification action or change in designated use shall result in degradation of water quality in Outstanding Florida Waters or Outstanding National Resource Waters. Outstanding Florida Waters and Outstanding National Resource Waters are listed in Rule 62-302.700, F.A.C.

(16) Unless otherwise specified, the following shall apply:

(a) No change.

(b) Water quality classifications shall be interpreted to include associated water bodies such as tidal creeks, coves, bays and bayous. Notwithstanding paragraph ~~62-302.400(16)(a)~~ ~~62-302.400(15)(a)~~, F.A.C., above the boundaries of Class II waters shall be limited to “Predominantly Marine Waters” as defined in subsection 62-302.200(30), F.A.C.

(17) Exceptions to Class III:

(a) No change.

(b) The following listed waterbodies are classified as Class I, Class I-Treated, Class II, Class III-Limited, or Class V. Waters listed as Class I-Treated have not been submitted to or approved by the U.S. Environmental Protection Agency and will remain Class III until the reclassification is approved by EPA. Copies of the maps referenced below may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400. The written waterbody descriptions are to be read in conjunction with the incorporated maps; however, the maps will take precedence if any conflict is identified between the written descriptions and the maps.

1. through 2. No change.

3. Bay County

Class I

Bayou George and Creek – Impoundment to source.

Bear Creek – Impoundment to source.

Big Cedar Creek – Impoundment to source.

Deer Point Impoundment – Dam to source.

Econfina Creek – Upstream of Deer Point Impoundment.

Class II

All or portions of the following waters, as shown on the map

titled “Class II Waters in Bay County, May 2021” effective date [Month Year].

(<https://flrules.org/Gateway/reference.asp?No=Ref-18158>).

which is incorporated by reference herein:

East Bay and Tributaries – East of U.S. Highway 98 (Dupont Bridge) to, but excluding, Wetappo Creek.

North Bay and Tributaries – North of U.S. Highway 98 to Deer Point Dam (CR 2321 / 77A), excluding Alligator Bayou and Fanning (Fannin) ~~Bayou~~ Bayous north of an east-west line through Channel Marker 3.

West Bay and Tributaries – West of North Bay (line from West Bay Point on the north to Shell Point on the ~~s~~South), except West Bay Creek (northwest of Channel Marker 27C off Goose Point), Crooked Creek (north of a line from Crooked Creek Point to Doyle Point), and Burnt Mill Creek (north of a line from Graze Point to Cedar Point).

4. through 7. No change.

8. Charlotte County

Class I

Alligator Creek – North and South Prongs from headwaters to the water control structure downstream of SR 765-A.

Port Charlotte Canal System – Surface waters lying upstream of, or directly connected to, Fordham Waterway upstream of Conway Boulevard.

Prairie Creek – DeSoto County Line and headwaters to Shell Creek.

Shell Creek – Headwaters to Hendrickson Dam (east of Myrtle Slough, in Section 20, T40S, R24E).

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Charlotte County, April 2022” effective date [Month Year].

(<https://flrules.org/Gateway/reference.asp?No=Ref-18136>).

which is incorporated by reference herein:

Lemon Bay, Placida Harbor, and Tributaries – from the north ~~N~~ Charlotte County Line south to Gasparilla Sound and bounded on the east by SR 775.

Charlotte Harbor, Myakka River, and Gasparilla Sound – Waters except Peace River upstream from the northeastern point of Myakka Cutoff to the boat ramp in Ponce de Leon Park in south Punta Gorda, Catfish Creek north of N. Lat. 26°50'56", and Whidden Creek north of N. Lat. 26° 51'15".

9. through 10. No change.

11. Collier County

Class I-Treated

Marco Lakes, as shown on the map titled “Class I and Class I-Treated Waters in Collier County, June 2016,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07077>) which is incorporated by reference herein.

Class II

All or portions of the following waters, as shown on the map

titled “Class II Waters in Collier County (1-2), June 2020”
effective date [Month Year],
(<https://flrules.org/Gateway/reference.asp?No=Ref-18137>),
which is incorporated by reference herein:

Little Hickory Bay, Wiggins Pass, and the Cocohatchee River.
Connecting Waterways – From Little Hickory Bay south
through Inner and Outer Clam Bay, Inner and Wiggins Pass
south to Outer Doctors Bay, Moorings Bay, and Doctors Pass
to Banyon Blvd.

~~Dollar Bay.~~

~~Inner and Outer Clam Bay.~~

~~Inner and Outer Doctors Bay.~~

~~Little Hickory Bay.~~

All or portions of the following waters, as shown on the map
titled “Class II Waters in Collier County (2-2), September
2019” effective date [Month Year],
(<https://flrules.org/Gateway/reference.asp?No=Ref-18138>),
which is incorporated by reference herein:

Tidal Bays and Passes – Naples Bay and south and easterly
through Dollar Bay, Rookery Bay and the Ten Thousand
Islands to the Monroe County Line.

~~Wiggins Pass.~~

12. through 15. No change

16. Duval County

Class II

All or portions of the following waters, as shown on the map
titled “Class II Waters in Duval County, September 2019”
effective date [Month Year],
(<https://flrules.org/Gateway/reference.asp?No=Ref-18139>),
which is incorporated by reference herein:

Ft. George River and Simpson Creeks – Ft. George Inlet north
to Nassau Sound.

Intracoastal Waterway and Tributaries – Confluence of Nassau
and Amelia Rivers south to Flashing Marker 73 thence eastward
along Ft. George River to Ft. George Inlet and includes Garden
Creek.

Nassau River and Creek – From the mouth of Nassau Sound,
(with the mouth starting at a line connecting the
northeasternmost point of Little Talbot Island to the
southeasternmost tip of Amelia Island), westerly to a north-
south line through Seymore Point).

Pumpkinhill Creek.

17. Escambia County

Class II

All or portions of the following waters, as shown on the map
titled “Class II Waters in Escambia County and Santa Rosa
County, September 2019” effective date [Month Year],
(<https://flrules.org/Gateway/reference.asp?No=Ref-18140>),
which is incorporated by reference herein:

Escambia Bay – From the Louisville and Nashville Railroad
Trestle south to Pensacola Bay (Line from Emanuel Point east

northeasterly to Garcon Point).

Pensacola Bay – East of a line connecting Emanuel Point on the
north to the south end of the Pensacola Bay Bridge (U.S.
Highway 98).

Santa Rosa Sound – East of a line connecting the northern Gulf
Breeze approach of the to Pensacola Beach (Pensacola Beach
Bridge (CR399), and Sharp Point, with the exception of the
Navarre Beach area from a north-south line through Channel
Marker 106 to Navarre Bridge (Navarre Beach Road).

18. Flagler County

Class II

All or portions of the following waters, as shown on the map
titled “Class II Waters in Flagler County, September 2019”
effective date [Month Year],
(<https://flrules.org/Gateway/reference.asp?No=Ref-18141>),
which is incorporated by reference herein:

Matanzas River (Intracoastal Waterway) – From the N. Flagler
County Line south to an east-west line through Fl. Marker 109.
Pellicer Creek.

19. through 22. No change.

23. Gulf County

Class I-Treated

Port St. Joe Canal, as shown on the map titled “Class I and Class
I-Treated Waters in Gulf County, June 2016,”
(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07079>) which is incorporated by reference herein.

Class II

All or portions of the following waters, as shown on the map
titled “Class II Waters in Gulf County, September 2019”
effective date [Month Year],
(<https://flrules.org/Gateway/reference.asp?No=Ref-18142>),
which is incorporated by reference herein:

Indian Lagoon – West of Indian Pass and St. Vincent Sound.

St. Joseph Bay – South of a line from St. Joseph Point due east
to U.S. Highway 98, excluding an area that is both within an arc
2.9 miles from the center of the mouth of Gulf County Canal
and east of a line from St. Joseph Point to the northwest corner
of Section 13, Township 8 South, Range 11 West.

24. No change.

25. No change.

26. No change.

27. No change.

28. No change.

29. Hillsborough County

Class I

Cow House Creek – Hillsborough River to source, as shown on
the map titled “Class I and Class I-Treated Waters in
Hillsborough County, June 2016,”
(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07081>) which is incorporated by reference herein.

Hillsborough River – City of Tampa Water Treatment Plant

Dam to Flint Creek, as shown on the map titled “Class I and Class I-Treated Waters in Hillsborough County, June 2016,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07081>) which is incorporated by reference herein.

Class I-Treated

Alafia River Segment – From Lithia Pinecrest Road (County Road 640) westward to Bell Shoals Road, as shown on the map titled “Class I and Class I-Treated Waters in Hillsborough County, June 2016,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07081>) which is incorporated by reference herein.

Tampa By-Pass Canal Segment – From the control structure S-163 at Cow House Creek to the control structure S-160 (north of State Road 60), and Harney Canal west to Harney Road, as shown on the map titled “Class I and Class I-Treated Waters in Hillsborough County, June 2016,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07081>) which is incorporated by reference herein.

Class II

All or portions of Tampa Bay, Old Tampa Bay, and Mobbly Bay, excluding waters in the Tampa Harbor Channel and waters north of SR 580 in Rocky and Double Branch Creeks, as shown on the map titled “Class II Waters in Pinellas County and Hillsborough County, February 2022” effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18143>), ~~November 2015,~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06394>) which is incorporated by reference herein.

30. through 32. No change.

33. Jefferson County

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Jefferson County, September 2019” effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18144>), which is incorporated by reference herein:

Coastal Waters – Within the county, excluding the mouth of Aucilla River.

34. through 35. No change.

36. Lee County

Class I

Caloosahatchee River – E. Lee County Line to South Florida Water Management District Structure 79.

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Lee County, September 2019” effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18145>), which is incorporated by reference herein:

Charlotte Harbor.

Matanzas Pass, Hurricane Bay, and Hell Peckish (Peckney) Bay

– From San Carlos Bay southeast through Matanzas Pass, Hurricane Bay, and Hell Peckish Bay to a line from Estero Island through the southernmost tip of the unnamed island south of Julies Island, ~~northeastward~~ to the southernmost point of land in section 27, T46S, R24E.

Matlacha Pass – From Charlotte Harbor to San Carlos Bay.

Pine Island Sound – From Charlotte Harbor to San Carlos Bay.

San Carlos Bay – From a line from Ybel Point through ~~to~~ Bodwitch Point to Estero Pass, northward along the coast to the southern point of Big Shell Island, then north to a line from the eastern point at the mouth of Punta Blanca Creek, southeast through the southern point of Big Shell Island to the mainland and westward to Pine Island Sound.

37. through 40. No change.

41. Manatee County

Class I

Manatee River – From Rye Bridge Road to the sources thereof, including but not limited to the following tributaries: the East Fork of the Manatee River, the North Fork of the Manatee River, Boggy Creek, Gilley Creek, Poley Branch, Corbit Branch, Little Deep Branch, Fisher Branch, Ft. Crawford Creek, Webb Branch, Clearwater Branch, Craig Branch, and Guthrey Branch.

Lake Evers (Ward Lake) and Braden River – City of Bradenton Water Treatment Dam to SR 675, excluding upland cut irrigation or drainage ditches and including the following tributaries:

	Tributary	Upstream Limit(s)
a.	Rattlesnake Slough	Lockwood Ridge Road in Section 28, Township 35 South, Range 18 East.
b.	Cedar Creek	
	West Branch	Whitfield Avenue in Section 27, Township 35 South, Range 18 East.
	Central Branch	Country Club Way in Section 34, Township 35 South, Range 18 East.
	East Branch	To a point where an east-west line lying 1,200 feet south of the section line between Sections 23 and 26 (Township 35 South, Range 18 East) crosses the tributary.
c.	Cooper Creek	
	West Branch	(Foley Branch) South Boundary of Section 1, Township 36 South, Range 18 East.
	East Branch	East Boundary of Section 31, Township 35 South, Range 19 East.
d.	Nonsense Creek	To a point where an east-west line lying 800 feet North of the section line

		between Sections 14 and 23 (Township 35 South, Range 18 East) crosses the creek.
e.	Hickory Hamock	To a point where an east-west line lying 1,000 feet South of the section line between Sections 17 and 20 (Township 35 South, Range 19 East) crosses the creek.
f.	Wolf Slough	East Boundary of Section 16, Township 35 South, Range 19 East.
g.	Unnamed Tributary 1	To a point where an east-west line lying 2,300 feet south of the section line between Sections 21 and 28 (Township 35 South, Range 19 East) crosses the tributary.
h.	Unnamed Tributary 2	East Boundary of Section 14, Township 35 South, Range 19 East.
i.	Unnamed Tributary 3	West Boundary of Section 25, Township 35 South, Range 19 East.
j.	Unnamed Tributary 4	To a point where a north-south line lying 200 feet East of the section line between Sections 23 and 24 (Township 35 South, Range 19 East) crosses the tributary.

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Manatee County, March 2021” effective date [Month Year],

(<https://flrules.org/Gateway/reference.asp?No=Ref-18146>),

which is incorporated by reference herein:

Gulf and Coastal Waters of Tampa Bay – (Including, but not limited to, Terra Ceia Bay, Perico Bayou, Palma Sola Bay, and Sarasota Bay), excluding waters east ~~northward~~ of a line from the southern shore of the mouth of Little Redfish Creek ~~northwesterly through the red marker (approximately one nautical mile away)~~ to the nearest point of the spoil island west of Port Manatee continuing along the western shore of the island to the Hillsborough County line ~~excluding~~; Manatee River upstream of a line from Emerson Pt. to Mead Pt.

Gulf Waters – North of 27°31' N. Lat.

42. No change.

43. Martin County

Class I

Lake Okeechobee.

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Martin County, September 2019” effective date [Month Year],

(<https://flrules.org/Gateway/reference.asp?No=Ref-18147>),

which is incorporated by reference herein:

Great Pocket – St. Lucie River to Peck’s Lake.

Indian River – N. Martin County Line south to the mouth of St. Lucie Inlet, east of the Intracoastal Waterway Channel centerline.

Loxahatchee River – North of Palm Beach County Line West of the Florida East Coast Railroad Bridge including Southwest, Northwest, and North Forks.

44. Monroe County

Class II

All or portions of the following waters, as shown in the map titled “Class II Waters in Monroe County (1-2), September 2019” effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18148>) and the map titled “Class II Waters in Monroe County (2-2), September 2019” effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18149>), which are incorporated by reference herein:

Monroe County Coastline – From the Collier and ~~Dade~~ County Line ~~Lines~~ southward to Cape Sabel and including that part of Florida Bay- Those portions within Everglades National Park.

45. Nassau County

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Nassau County, September 2019” (incorporated by reference in subparagraph 62-302.400(17)(b)16., F.A.C.):

Alligator Creek.

Nassau River and Creek – From the mouth of Nassau Sound (with the mouth starting at a line connecting the northeasternmost point of Little Talbot Island to the southeasternmost point of Amelia Island), westerly to Seymour (Seymour) Point.

South Amelia River – Nassau River north to a line from the northern shore of the mouth of Alligator Creek to the northernmost shore of Harrison Creek.

Waters between South Amelia River and Alligator Creek.

46. Okaloosa County

Class II

All or portions of the following waters, as shown in the map titled “Class II Waters in Okaloosa County, September 2019” effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18150>), which is incorporated by reference herein:

Choctawhatchee Bay and Tributaries – From a line from White Point southwesterly through Fl. Light Marker 1 2 of the Intracoastal Waterway, eastward to the county line, including East Pass.

Rocky Bayou – ~~Choctawhatchee Bay (from North of a line extending due east from Shirk Point) to the north end of Windward Circle, excluding Rocky Creek and other tributaries.~~

Santa Rosa Sound – From a north-south line through Manatee Point west to the Santa Rosa County Line.

47. through 49. No change.

50. Palm Beach County

Class I

Canal C-18 (freshwater portion).

City of West Palm Beach Water Catchment Area.

Clear Lake, Lake Mangonia, and the waterway connecting them.

Lake Okeechobee.

M-Canal – L-8 to Lake Mangonia.

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Palm Beach County, September 2019”

effective date [Month Year],

(<https://flrules.org/Gateway/reference.asp?No=Ref-18151>),

which is incorporated by reference herein:

Canal C-18 – From the Salinity barrier to the Loxahatchee River.

Loxahatchee River – Upstream of Florida East Coast railroad bridge including Southwest, Northwest, and North Forks.

51. No change.

52. Pinellas County

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Pinellas County and Hillsborough County, February 2022” (incorporated by reference in

subparagraph 62-302.400(17)(b)29., F.A.C.):

Old Tampa Bay, Mobbly Bay and Tampa Bay – South and westward to Sunshine Skyway (SR 55), except Safety Harbor north of an east-west line through Philippe ~~Philip~~ Point.

Tampa Bay and Gulf waters – West of Sunshine Skyway (SR 55), excluding waters north of SR 682 and waters that are both west of Pinellas Bayway and north of an east-west line through the southernmost point of Pine Key.

53. through 54. No change.

55. St. Johns County

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in St. Johns County (1-2), September 2019”

effective date [Month Year],

(<https://flrules.org/Gateway/reference.asp?No=Ref-18152>),

which is incorporated by reference herein:

Guano River and Tributaries – From Guano Lake Dam south to Tolomato River.

Matanzas River, Intracoastal Waterway and Tributaries, excluding Treasure Beach Canal System – From Intracoastal Waterway Marker number 29, south to Flagler County Line, excluding Treasure Beach Canal System.

Pellicer Creek.

All or portions of the following waters, as shown on the map titled “Class II Waters in St. Johns County (2-2), September 2019”

effective date [Month Year],

(<https://flrules.org/Gateway/reference.asp?No=Ref-18153>),

which is incorporated by reference herein:

Guano River and Tributaries – From Guano Lake Dam south to Tolomato River.

Salt Run – Waters south of an east-west line connecting Lighthouse Park boat ramp with Conch Island.

Tolomato River (North River) and Tributaries – From a line connecting Spanish Landing to Booth Landing, south to an east-west line through Intracoastal Waterway Marker number 55.

56. No change.

57. Santa Rosa County

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Escambia County and Santa Rosa County, September 2019” (incorporated by reference in

subparagraph 62-302.400(17)(b)17., F.A.C.):

Blackwater Bay – From a line connecting Robinson’s Point to Broad River south to East Bay (line due west from Escribano Point).

East Bay and Tributaries – From Blackwater Bay (line due west from Escribano Point) southerly to Pensacola Bay (line from Garcon Point on the north to Redfish Point on the south).

Escambia Bay – From the Louisville and Nashville Railroad Trestle south to Pensacola Bay (Line from Emanuel Point east northeasterly to Garcon Point).

Pensacola Bay – East of a line connecting Emanuel Point on the north to the south end of the Pensacola Bay Bridge (U.S. Highway 98).

Santa Rosa Sound – From a line connecting the northern ~~Gulf Breeze~~ approach of the to Pensacola Beach, (Pensacola Beach Bridge (CR399); and Sharp Point, east to Santa Rosa/Okaloosa County line with exception of the Navarre Beach area from a north-south line through Channel Marker 106 eastward to Navarre Beach Toll Road.

58. Sarasota County

Class I

Big Slough Canal – South to U.S. 41.

Cooper Creek (Foley Branch) upstream to the South boundary of Section 1, Township 36 South, Range 18 East.

Myakka River – From the Manatee County line southwesterly through Upper and Lower Myakka Lakes to Manhattan Farms (north line of Section 6 T39S, R20E).

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Sarasota County Lemon Bay, January 2022” effective date [Month Year], (https://flrules.org/Gateway/reference.asp?No=Ref-18154), which is incorporated by reference herein:

Lemon Bay – From a line ~~eastward~~ from the northern shore of the mouth of Forked Creek due east to Manasota Key south to the Charlotte County Line.

All or portions of the following waters, as shown on the map titled “Class II Waters in Sarasota County Myakka River, January 2022” effective date [Month Year], (https://flrules.org/Gateway/reference.asp?No=Ref-18155), which is incorporated by reference herein:

Myakka River – From the western line of section 35, T39S, R20E south to the Charlotte County Line.

All or portions of the following waters, as shown on the map titled “Class II Waters in Sarasota County Sarasota Bay, January 2022” effective date, (https://flrules.org/Gateway/reference.asp?No=Ref-18156), which is incorporated by reference herein:

Sarasota Bay – West of the Intracoastal Waterway Channel centerline.

59. through 64. No change.

65. Wakulla County

Class II

All or portions of the following waters, as shown on the map titled “Class II Waters in Wakulla County, September 2019” effective date [Month Year], (https://flrules.org/Gateway/reference.asp?No=Ref-18157) which are incorporated by reference herein:

Coastal Waters and Tributaries – From the Jefferson County Line westward, with the exception of Spring Creek and the portion of King Bay (Dickerson Bay) west and north of a line from the westernmost tip of Porter Island south to Hungry Point, and Walker Creek north of a line from Live Oak Point southwest across the Creek to the closest tip of Shell Point.

66. through 67. No Change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS. History—Formerly 28-5.06, 17-3.06, Amended and Renumbered 3-1-79, Amended 1-1-83, 2-1-83, Formerly 17-3.081, Amended 4-25-93, Formerly 17-302.400, Amended 12-26-96, 8-24-00, 12-7-06, 8-5-10, 8-1-13, 2-17-16, 11-17-16, ____.

62-302.530 Table: Surface Water Quality Criteria.

The following table contains both numeric and narrative surface water quality criteria to be applied except within zones of mixing. The left-hand column of the Table is a list of constituents for which a surface water criterion exists. The headings for the water quality classifications are found at the top of the Table, and the classification descriptions for the headings are specified in subsection 62-302.400(1), F.A.C. Applicable criteria lie within the Table. The individual criteria should be read in conjunction with other provisions in water quality standards, including Rule 62-302.500, F.A.C. The criteria contained in Rule 62-302.500, F.A.C., also apply to all waters unless alternative or more stringent criteria are specified in Rule 62-302.530, F.A.C. Unless otherwise stated, all criteria express the maximum not to be exceeded at any time except within established mixing zones or in accordance with site-specific effluent limitations developed pursuant to Rule 62-620.620, F.A.C. In some cases, there are separate or additional limits, which apply independently of the maximum not to be exceeded at any time. For example, the criteria for carcinogens, which are expressed as an annual average (denoted as “annual avg.” in the Table), are applied as the maximum allowable annual average concentration at the long-term harmonic mean flow (see subsection 62-302.200(2), F.A.C.). Numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., shall be expressed as spatial averages and applied over a spatial area consistent with their derivation. In applying the water quality standards, the Department shall take into account the variability occurring in nature and shall recognize the statistical variability inherent in sampling and testing procedures. The Department’s assessment methodology, set forth in Chapter 62-303, F.A.C., accounts for such natural and statistical variability when used to assess ambient waters pursuant to sections 305(b) and 303(d) of the Federal Clean Water Act.

Criteria for Surface Water Classifications						
Parameter	Units	Class I	Class II	Class III and Class III-Limited (see Note 4) Predominantly Fresh Waters	Class III and Class III-Limited (see Note 4) Predominantly Marine Waters	Class IV Class V
(1) through (2) No change.						
(3) Ammonia (Total Ammonia Nitrogen) (Class I, Class III Limited fresh water, and Class III-Limited fresh water)	Milligrams/L as Total Ammonia Nitrogen (TAN = NH ₄ ⁺ + NH ₃)	<p>The 30-day average TAN value should not exceed the average of the values calculated from the following equation, with no single value exceeding 2.5 times the value from the equation:</p> $30\text{-day Average} = 0.8876 \times \left(\frac{0.0278}{1 + 10^{(6.5 - \text{pH})}} + \frac{1.1994}{1 + 10^{(\text{pH} - 7.688)}} \right) \times (2.126 \times 10^{(0.28 \times (20 - \text{MAX}(T, 7)))})$ $30\text{-day Average} = 0.8876 \times \left(\frac{0.0278}{1 + 10^{(6.5 - \text{pH})}} + \frac{1.1994}{1 + 10^{(\text{pH} - 7.688)}} \right) \times (2.126 \times 10^{(0.28 \times (20 - \text{MAX}(T, 7)))})$ <p>T and pH are defined as the paired field temperature (°C) and pH associated with the TAN sample. For purposes of total ammonia nitrogen criterion calculations, pH is subject to the range of 6.5 to 9.0. The pH shall be set at 6.5 if measured pH is < 6.5 and set at 9.0 if the measured pH is > 9.0. The temperature (T) shall be constrained to values greater than or equal to 7° C. Temperature values less than 7° C shall be set to 7° C for purposes of calculating the TAN criteria.</p>				
(4) through (5) No change.						

(6)(a) Bacteriologic al Quality (Fecal Coliform Bacteria)	Number per 100 ml (Most Probable Number (MPN) or Membrane Filter (MF))	MPN or MF counts shall not exceed a median value of 14 with not more than 10% of the samples exceeding the Ten Percent Threshold Value (TPTV) of 43 (for MPN) or 31 (for MF), nor exceed 800 on any one day. To determine the percentage of samples exceeding the criteria when there are both MPN and MF samples for a waterbody, the percent shall be calculated as $100 * (n_{mpn} + n_{mf}) / N$, where n_{mpn} is the number of MPN samples greater than 43, n_{mf} is the number of MF samples greater than 31, and N is the total number of MPN and MF samples.				
(6)(b) Bacteriologic al Quality (<i>Escherichia coli</i> Bacteria)	Number per 100 ml (Most Probable Number (MPN) or Membrane Filter (MF))	MPN or MF counts shall not exceed a monthly geometric mean of 126 nor exceed the Ten Percent Threshold Value (TPTV) of 410 in 10% or more of the samples during any 30-day period. Monthly geometric means shall be based on a minimum of 5 samples taken on five different days over a 30-day period. If there are fewer than 5 samples in a month for a given location, the TPTV is assessed as a single sample maximum.	MPN or MF counts shall not exceed a monthly geometric mean of 126 nor exceed the Ten Percent Threshold Value (TPTV) of 410 in 10% or more of the samples during any 30-day period. Monthly geometric means shall be based on a minimum of 10 samples taken on ten different days over a 30-day period. If there are fewer than 10 samples in a month for a given location, the TPTV is assessed as a single sample maximum.			

(6)(c) Bacteriologic al Quality (<i>Enterococci</i> Bacteria)	Number per 100 ml (Most Probable Number (MPN) or Membrane Filter (MF))	MPN or MF counts shall not exceed a monthly geometric mean of 35 nor exceed the Ten Percent Threshold Value (TPTV) of 130 in 10% or more of the samples during any 30- day period. Monthly geometric means shall be based on a minimum of 10 samples taken <u>on ten different days</u> over a 30- day period. <u>If there are fewer than 10 samples in a month for a given location, the TPTV is assessed as a single sample maximum.</u>	MPN or MF counts shall not exceed a monthly geometric mean of 35 nor exceed the Ten Percent Threshold Value (TPTV) of 130 in 10% or more of the samples during any 30-day period. Monthly geometric means shall be based on a minimum of 10 samples taken <u>on ten different days</u> over a 30-day period. <u>If there are fewer than 10 samples in a month for a given location, the TPTV is assessed as a single sample maximum.</u>			
(7) through (21) No change.						
(22) Conductance, Specific	Micromhos ($\mu\text{mho}/\text{cm}$) or <u>Microsiemens</u> ($\mu\text{S}/\text{cm}$)	Shall not be increased more than 50% above background or to 1275, whichever is greater.		Shall not be increased more than 50% above background or to 1275, whichever is greater.	Shall not be increased more than 50% above background d or to 1275, whichever is greater.	Shall not exceed 4,000
(23) through (38) No change.						
(39) Lead	Micrograms/ L See Notes (1) and (3).	$\text{Pb} \leq$ $e^{(1.273[\ln H]$ $] - 4.705)}$	≤ 8.5	$\text{Pb} \leq$ $e^{(1.273$ $[\ln H] -$ $4.705)}$	≤ 8.5	≤ 50 ≤ 50
(40) through (48)(a) No change.						
(48)(b) Nutrients		In no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna (see Rules 62-302.531, 62-302.532, and 62-302.540, F.A.C., for numeric interpretations of this criterion).				
(49) through (50)(b) No change.						
(51)(50) Pesticides and Herbicides						
(51)(a) through (71) No change.						

Notes: (1) "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO_3 . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L. (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see paragraph 62-302.500(2)(d), F.A.C. (4) Class III-Limited waters have at least one Site Specific Alternative Criterion as established under Rule 62-302.800, F.A.C.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 1-28-90, Formerly 17-3.065, Amended 2-13-92, 6-17-92, Formerly 17-302.540, 17-302.550, 17-302.560, 17-302.570, 17-302.580, Amended 4-25-93, Formerly 17-302.530, Amended 1-23-95, 1-15-96, 5-15-02, 7-19-04, 12-7-06, 8-5-10, 7-3-12, 8-1-13, 2-17-16, ____.

62-302.531 Numeric Interpretations of Narrative Nutrient Criteria.

(1) The narrative water quality criteria for nutrients in paragraphs 62-302.530(48)(a) ~~62-302.530(47)(a)~~ and (b), F.A.C., applies to all Class I, Class II, and Class III waters.

(2) The narrative water quality criterion for nutrients in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., shall be numerically interpreted for both nutrients and nutrient response variables in a hierarchical manner as follows:

(a) Where a site specific numeric interpretation of the criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., has been established by the Department, this numeric interpretation shall be the primary interpretation. If there are multiple interpretations of the narrative criterion for a waterbody, the most recent interpretation established by the Department shall apply. A list of the site specific numeric interpretations of paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., may be obtained from the Department's internet site at <https://floridadep.gov/dear/water-quality-standards/content/numeric-nutrient-criteria-development> ~~<http://www.dep.state.fl.us/water/wqssp/swq-dec.htm>~~ or by writing to the Florida Department of Environmental Protection, Water Quality Standards and Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

1. The primary site specific interpretations are as follows:

a. Nutrient Total Maximum Daily Loads (TMDLs) adopted under Chapter 62-304, F.A.C., that are different from existing applicable numeric nutrient criteria in subsection 62-302.531(2), F.A.C., and the notice of proposed rulemaking states that the Department intends for the proposed TMDL rule to also establish a site-specific interpretation of ~~interpret~~ the narrative water quality criterion for nutrients in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., for the waterbody for one or more nutrients or nutrient response variables,

b. through d. No change.

2. No change.

(b) If site specific numeric interpretations, as described in paragraph 62-302.531(2)(a), F.A.C., above, have not been established for a waterbody, but there is an established, quantifiable cause-and-effect relationship between one or more nutrients and nutrient response variables linked to a value that protects against an imbalance in the natural populations of the

aquatic flora or fauna, then the numeric values for the nutrients or nutrient response variables, set forth in this paragraph (2)(b), shall be the applicable interpretations. Absent a numeric interpretation as established in paragraph 62-302.531(2)(a), F.A.C., site specific numeric interpretations are established as follows:

1. For lakes, the applicable numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., for chlorophyll a are shown in the table below. The applicable interpretations for TN and TP will vary on an annual basis, depending on the availability of chlorophyll a data and the concentrations of nutrients and chlorophyll a in the lake, as described below. The applicable numeric interpretations for TN, TP, and chlorophyll a shall not be exceeded more than once in any consecutive three year period.

a. No change.

b. If there are insufficient data to calculate the annual geometric mean chlorophyll a for a given year or the annual geometric mean chlorophyll a exceeds the values in the table below for the lake type, then the applicable numeric interpretations for TN and TP shall be the minimum values in the table below.

Long Term Geometric Mean Lake Color and Alkalinity	Annual Geometric Mean Chlorophyll a	Minimum calculated numeric interpretation		Maximum calculated numeric interpretation	
		Annual Geometric Mean Total Phosphorus	Annual Geometric Mean Total Nitrogen	Annual Geometric Mean Total Phosphorus	Annual Geometric Mean Total Nitrogen
≥ 40 Platinum Cobalt Units	20 µg/L	0.05 mg/L	1.27 mg/L	0.16 mg/L ¹	2.23 mg/L
≤ 40 Platinum Cobalt Units and ≥ 20 mg/L CaCO ₃	20 µg/L	0.03 mg/L	1.05 mg/L	0.09 mg/L	1.91 mg/L
≤ 40 Platinum	6 µg/L	0.01 mg/L	0.51 mg/L	0.03 mg/L	0.93 mg/L

m Cobalt Units and ≤ 20 mg/L CaCO ₃					
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¹ For lakes with color ≥ 40 PCU in the West Central Nutrient Watershed Region, the maximum TP limit shall be the 0.49 mg/L TP streams threshold for the region.

c. No change.

2. For spring vents, the applicable numeric interpretation of the narrative nutrient criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., is 0.35 mg/L of nitrate-nitrite (NO₃ + NO₂) as an annual geometric mean, not to be exceeded more than once in any three calendar year period.

(c) For streams, if a site specific interpretation pursuant to paragraph 62-302.531(2)(a) or (2)(b), F.A.C., has not been established, biological information shall be used to interpret the narrative nutrient criterion in combination with Nutrient Thresholds. The narrative nutrient criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., shall be interpreted as being achieved in a stream segment where information on chlorophyll a levels, algal mats or blooms, nuisance macrophyte growth, and changes in algal species composition indicates there are no imbalances in flora or fauna as described in the document titled "Implementation of Florida's Numeric Nutrient Standard for Streams, June 2025" (incorporated by reference in subsection 62-302.200(36), F.A.C.), and either:

1. No change.

2. The nutrient thresholds set forth in the table below are achieved.

Nutrient Watershed Region	Total Phosphorus Nutrient Threshold ¹	Total Nitrogen Nutrient Threshold ¹
Panhandle West	0.06 mg/L	0.67 mg/L
Panhandle East	0.18 mg/L	1.03 mg/L
North Central	0.30 mg/L	1.87 mg/L
<u>Peninsula</u> Peninsular	0.12 mg/L	1.54 mg/L
West Central	0.49 mg/L	1.65 mg/L
South Florida	No numeric nutrient threshold. The narrative criterion in paragraph <u>62-302.530(48)(b)</u> 62-302.530(47)(b) ,	No numeric nutrient threshold. The narrative criterion in paragraph <u>62-302.530(48)(b)</u>

	F.A.C., applies.	62-302.530(47)(b) , F.A.C., applies.
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¹These values are annual geometric mean concentrations not to be exceeded more than once in any three calendar year period.

(3) Except for data used to establish historical chlorophyll a levels and estuary-specific numeric interpretations of the narrative nutrient criterion for estuaries in subparagraphs 62-302.532(1)(b)1.-7., F.A.C., chlorophyll a data assessed under this chapter shall be measured according to the requirements as set forth in Chapter 62-160, F.A.C. DEP document titled "Applicability of Chlorophyll a Methods" (DEP SAS 002/10), dated October 24, 2011 (<https://www.flrules.org/Gateway/reference.asp?No-Ref-06043>), ~~which is incorporated by reference herein. Copies of the chlorophyll a document may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400. Chlorophyll a data collected after [7-3-12] shall be corrected for or free from the interference of pheophytin.~~

(4) through (5) No change.

(6) To calculate an annual geometric mean for TN, TP, ~~or~~ chlorophyll a, or nitrate-nitrite, there shall be at least four temporally-independent samples per year with at least one sample taken between May 1 and September 30 and at least one sample taken during the other months of the calendar year. To be treated as temporally-independent, samples must be taken at least one week apart.

(7) through (8) No change.

~~(9) The Commission adopts subsections 62-302.200(4), 62-302.200(16) (17), 62-302.200(22) (25), 62-302.200(35) (37), 62-302.200(39), Rule 62-302.531, and subsection 62-302.532(3), F.A.C., to ensure, as a matter of policy, that nutrient pollution is addressed in Florida in an integrated, comprehensive and consistent manner. Accordingly, these rules shall be effective only if EPA approves these rules in their entirety, concludes rulemaking that removes federal numeric nutrient criteria in response to the approval, and determines, in accordance with 33 U.S.C. §1313(c)(3), that these rules sufficiently address EPA's January 14, 2009 determination. If any provision of these rules is determined to be invalid by EPA or in any administrative or judicial proceeding, then the entirety of these rules shall not be implemented.~~

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.067, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 7-3-12, 2-17-16, ____.

Editorial Note: Rule 62-302.531 will become effective upon approval by EPA in its entirety, conclusion of rulemaking by EPA to repeal its federal numeric nutrient criterion for Florida, and EPA's determination

that Florida's rules address its January 2009 determination that numeric nutrient criteria are needed in Florida.

62-302.532 Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion.

(1) Estuary-specific numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., are in the table below. The concentration-based estuary interpretations are open water, area-wide averages. Numeric values listed below for nutrient and nutrient response values do not apply to wetlands or to tidal tributaries that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions unless specifically provided by name below. The interpretations expressed as load per million cubic meters of freshwater inflow are the total load of that nutrient to the estuary divided by the total volume of freshwater inflow to that estuary. The numeric values listed below will be superseded if, pursuant to subsection 62-302.531(2), F.A.C., a more recent numeric interpretation of the narrative nutrient criterion in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., such as a Level II Water Quality Based Effluent Limitation (WQBEL), Site Specific Alternative Criterion (SSAC), Total Maximum Daily Load (TMDL), or Reasonable Assurance Demonstration, is established by the Department.

Estuary	Total Phosphorus	Total Nitrogen	Chlorophyll <i>a</i>
(a) No change.			
(b) Tampa Bay	Criteria expressed as ton/million cubic meters of water are annual totals and are not to be exceeded more than once in a three year period. Criteria expressed as annual means are arithmetic means and are not to be exceeded more than once in a three year period. For criteria expressed as the long-term average of annual means, the long-term average shall be based on data from the most recent seven-year period and shall not be exceeded. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions. <u>The chlorophyll criterion for the segments in subparagraphs 62-302.532(1)(b)1.-7., F.A.C., are assessed using uncorrected chlorophyll <i>a</i> data consistent with the criteria derivation.</u>		
1. through 9. No change.			
(c) No change.			

(d) Charlotte Harbor/Estero Bay	Criteria expressed as annual means are arithmetic means and are not to be exceeded more than once in a three year period. For criteria expressed as long-term averages, the long-term average shall be based on data from the most recent seven-year period and shall not be exceeded. Criteria expressed as annual geometric means (AGM) are not to be exceeded more than once in a three year period. For criteria expressed as not to be exceeded in more than 10 percent of the samples, the criteria shall be assessed over the most recent seven year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.		
1. through 7. No change.			
8. Tidal Peace River	0.50 mg/L as annual mean	1.08 mg/L as annual mean	12.6 μg/L as annual mean
9. through 10. No change.			
11. Little Hickory Bay	0.070 mg/L as AGM	0.63 mg/L as AGM	5.9 μg/L as AGM
12. through 16. No change.			
(e) through (h) No change.			
(i) Sarasota Bay	For TN, the annual geometric mean target is calculated from monthly arithmetic mean color by region and season. Annual geometric means shall not be exceeded more than once in a three year period. The Sarasota Bay regions are defined as north (Manatee County) and south (Sarasota County). The wet season for Sarasota Bay is defined as July through October and the dry season is defined as all other months of the year. The seasonal region <u>values used to calculate the annual geometric mean target</u> targets are calculated using monthly color data and shall be calculated as follows: NW _i =Ln[(13.35-(0.32*CN _i))/3.58] ND _i =Ln[(10.39-(0.32*CN _i))/3.58] SW _i =Ln[(8.51-(0.32*CS _i))/3.58] SD _i =Ln[(5.55-(0.32*CS _i))/3.58] Where,		

	<p>NW_i is the TN <u>value target</u> for ith month calculated for the north region during the wet season</p> <p>ND_i is the TN <u>value target</u> for ith month calculated for the north region during the dry season</p> <p>SW_i is the TN <u>value target</u> for ith month calculated for the south region during the wet season</p> <p>SD_i is the TN <u>value target</u> for ith month calculated for the south region during the dry season</p> <p>CN_i is the arithmetic mean color during the ith month within the north region</p> <p>During the wet season, CN_i shall be set to 41 PCU if the monthly arithmetic mean color is greater than 41 PCU</p> <p>During the dry season, CN_i shall be set to 32 PCU if the monthly arithmetic mean color is greater than 32 PCU</p> <p>CS_i is the arithmetic mean color during the ith month within the south region</p> <p>During the wet season, CS_i shall be set to 26 PCU if the monthly arithmetic mean color is greater than 26 PCU</p> <p>During the dry season, CS_i shall be set to 16 PCU if the monthly arithmetic mean color is greater than 16 PCU</p> <p>The annual TN target is calculated as the geometric mean of all monthly regional and season <u>values targets</u> as follows:</p> $\frac{\sum_{i=1}^{12} (NW_i + ND_i + SW_i + SD_i)}{24}$ <p>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</p>		
(j) Clam Bay (Collier County)	<p>No more than 10 percent of the individual Total Phosphorus (TP) or Total Nitrogen (TN) measurements shall exceed the respective TP Upper Limit or TN Upper Limit.</p> <table> <tr> <td>TP Upper Limit (mg/L) = e^{(-1.06256-}</td><td>TN Upper Limit (mg/L) = 2.3601 - 0.0000268325*<u>specifi</u></td></tr> </table>	TP Upper Limit (mg/L) = e ^{(-1.06256-}	TN Upper Limit (mg/L) = 2.3601 - 0.0000268325* <u>specifi</u>
TP Upper Limit (mg/L) = e ^{(-1.06256-}	TN Upper Limit (mg/L) = 2.3601 - 0.0000268325* <u>specifi</u>		

	0.0000328465* <u>specific</u> <u>conductance</u> Conductivity (μS/cm))	c <u>conductance</u> <u>Conductivity</u> (μS/ <u>cm</u>)	
Estuary	Total Phosphorus	Total Nitrogen	Chlorophyll a
(k) through (u) No change.			
(v) Suwannee, Waccasassa, and Withlacooche e River Estuaries	For estuary segments with criteria expressed as single value annual geometric means (AGM), the values shall not be exceeded more than once in a three year period. For estuary segments with criteria expressed as a salinity dependent equation, the annual nutrient criteria are expressed as annual geometric means applied to individual monitoring stations by solving the applicable equation below using the annual arithmetic average salinity (AASal) in <u>parts per thousand (ppt) practical salinity units (PSU)</u> for the station. The AASal shall be calculated as the annual mean of the salinity measurements for each station made in conjunction with the collection of the nutrient samples. For criteria expressed as a salinity dependent equation, no more than 10 percent of the monitoring stations within the segment shall exceed the limit (expressed as AGM) on an annual basis, more than once in a three year period.		
1. through 3. No change.			
(w) through (cc) No change.			

(2) Criteria for chlorophyll a in open ocean coastal waters, derived from satellite remote sensing techniques, are provided in the table below. In each coastal segment specified in the “Map of Florida Coastal Segments, November 2018,” effective date [Month Year], (<https://flrules.org/Gateway/reference.asp?No=Ref-18132>) dated May 13, 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03017>), which is incorporated by reference herein, the Annual Geometric Mean remotely sensed chlorophyll a value, calculated excluding *Karenia brevis* blooms (≥50,000 cells/L), shall not be exceeded more than once in a three year period. Copies of the map may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400. The annual geometric means provided in the table below are based on measurements using the SeaWiFS satellite. Achievement of these criteria shall be assessed only by using satellite remote sensing data that are processed in a manner consistent with the derivation of the

criteria. Data selection and preparation shall be consistent with the process described in Section 1.4.3 and Section 1.4.4, pages 14 through 17, in the report titled “Technical Support Document for U.S. EPA’s Proposed Rule for Numeric Nutrient Criteria for Florida’s Estuaries, Coastal Waters, and South Florida Inland Flowing Waters, Volume 2: Coastal Waters,” U.S. Environmental Protection Agency, November 30, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03018>), the specified pages of which are incorporated by reference herein. If MODIS or MERIS satellite data are used, the data shall be normalized using the standardization factors provided in the table below, consistent with the process described in Section 1.6.3, pages 26 through 33 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03019>), in the above referenced EPA document, the specified pages of which are incorporated herein. A copy of the Map of Florida Coastal Segments and the referenced pages from EPA’s document above are available by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

Coastal Segment	Annual Geometric Mean Remotely Sensed Chlorophyll <i>a</i>	MODIS Standardization Factor	MERIS Standardization Factor
1	2.45	0.54	-0.71
2	2.65	0.99	-0.07
3	1.48	0.41	-0.22
4	1.20	0.26	-0.30
5	1.09	0.15	-0.28
6	1.07	0.29	-0.01
7	1.17	0.33	-0.02
8	1.27	0.38	-0.05
9	1.09	0.20	-0.07
10	1.13	0.41	-0.07
11	1.14	0.31	-0.05
12	1.21	0.41	-0.05
13	1.53	0.50	-0.13
14	1.80	0.69	0.01
15	2.80	0.68	0.58
16	2.49	-0.14	0.27
17	3.57	0.08	1.41
18	5.62	0.50	0.03
19	4.90	0.50	0.31
20	4.33	-0.02	-0.69
21	4.06	-0.63	-1.09

22	4.54	-0.46	-0.17
23	3.40	-1.21	-0.67
24	3.41	-2.37	0.01
25	3.11	-2.84	0.05
26	3.00	-4.16	-0.36
27	3.05	-1.77	-0.81
28	3.41	-2.13	-0.61
29	4.55	-0.83	-0.74
30	4.32	-0.74	-0.04
31	3.77	-0.29	-0.90
32	4.30	0.17	-0.47
33	5.98	0.10	0.80
34	4.63	-0.77	-0.32
35	4.14	0.42	-0.83
37	1.01	0.39	0.59
38	0.26	-0.04	-0.03
39	0.27	-0.02	0.00
40	0.25	-0.03	-0.01
41	0.21	-0.06	-0.01
42	0.21	-0.03	0.03
43	0.21	-0.02	0.04
44	0.20	-0.02	0.01
45	0.21	-0.04	0.02
46	0.26	-0.05	-0.01
47	0.58	-0.10	0.03
48	1.09	0.03	0.09
49	1.48	0.39	0.36
50	1.85	0.21	0.32
51	1.72	0.23	0.31
52	1.73	0.05	0.58
53	1.87	0.00	0.47
54	1.66	-0.13	0.31
55	1.60	0.18	0.71
56	2.12	0.11	0.39
57	2.83	0.44	0.84
58	2.63	0.09	0.40
59	2.34	0.06	0.33
60	2.17	0.07	0.29
61	2.01	-0.20	-0.06
62	1.93	0.18	-0.11
63	1.90	-0.69	-0.20
64	2.13	-0.79	-0.20
65	1.96	-0.72	-0.13
66	1.95	-0.85	-0.40
67	2.06	-0.33	-0.53
68	2.51	-0.47	-0.08
69	2.86	-0.60	-0.22
70	2.88	-1.39	-0.32
71	3.62	-2.00	-0.38

72	3.80	-1.38	-0.40
73	3.94	-0.28	-0.49
74	4.36	-0.16	-1.17

(3) Estuarine and marine areas for the estuaries listed in subsection 62-302.532(1), F.A.C., are delineated in the ~~“Maps of the Florida Estuary Nutrient Regions, dated October 2014, and October 2015, July 2019, June 2021, October 2021, March 2023, and June 2024,” effective date [Month Year],~~ (https://flrules.org/Gateway/reference.asp?No=Ref-18134) (http://www.flrules.org/Gateway/reference.asp?No=Ref-06050), which are incorporated by reference herein. Copies of these maps may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

(4) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 7-3-12, Amended 12-20-12, 8-1-13, 8-20-13, 6-7-15, 2-17-16, _____.

Editorial Note: Paragraphs 62-302.532(1)(a)-(j) became effective on 7-3-12, and paragraphs 62-302.532(1)(k)-(p) became effective on 12-20-12, 20 days after filing the rule certification packages for these numeric nutrient criteria. In accordance with Section 4 of 2013-71, Laws of Florida, and subsection 62-302.531(9), F.A.C., paragraphs 62-302.532(1)(q)-(w), subsections 62-302.532(2) and (4), and the maps delineating these Florida Estuary Nutrient Regions in subsection 62-302.532(3) will become effective upon approval by EPA in their entirety, conclusion of rulemaking by EPA to repeal its federal numeric nutrient criterion for Florida, and EPA’s determination that Florida’s rules address its January 2009 determination that numeric nutrient criteria are needed in Florida.

62-302.533 Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters.

(1) Class I, Class III predominantly freshwaters, and Class III-Limited predominantly freshwaters.

(a) No more than 10 percent of the daily average percent dissolved oxygen (DO) saturation values shall be below the following values:

1. No change.
2. No change.

3. 34 percent in the Northeast and Big Bend bioregions. A map of the bioregions is contained in SCI 1000: Stream Condition Index Methods (DEP-SOP-003/11 SCI 1000) incorporated by reference in Rule 62-160.210, F.A.C.). When assessing ambient surface water samples, the freshwater DO criteria shall be assessed preferentially using daily average values calculated from full days of diel monitoring data consisting of 24 hours of measurements collected at a regular time interval of no longer than one hour. If diel monitoring data

are not available, instantaneous surface water samples may be used to assess the DO criterion by comparing the instantaneous value with a time-of-day-specific translation of the daily average criterion using the procedure described in subsection 62-303.320(4), F.A.C. dated ~~March 1, 2014~~ (http://www.flrules.org/Gateway/reference.asp?No=Ref-06039), which is incorporated by reference herein.

(b) No change.

(c) In the portions of the Suwannee, Withlacoochee (North), and Santa Fe Rivers utilized by the Gulf Sturgeon, and in the portions of the Santa Fe and New Rivers utilized by the Oval Pigtoe Mussel, DO levels shall not be lowered below the baseline distribution such that there is 90 percent confidence that more than 50 percent of daily average values measurements are below the median of the baseline distribution or more than 10 percent of the daily average values are below the 10th percentile of the baseline distribution for the applicable waterbody.

(d) No change.

(e) The baseline distributions and maps showing the specific areas utilized by the Gulf Sturgeon and the Oval Pigtoe Mussel are provided in Appendix I of the “Technical Support Document for the Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida’s Fresh and Marine Waters, June 2025” effective date [Month Year], (https://flrules.org/Gateway/reference.asp?No=Ref-18135) (DEP SAS 001/13), dated ~~March 2013~~ (http://www.flrules.org/Gateway/reference.asp?No=Ref-02955), which is incorporated by reference herein. Copies of Appendix I may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

(2) through (5) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 8-1-13, 2-17-16, _____.

62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters.

(1) through (8) No change.

(9) Outstanding Florida Waters:

(a) through (e) No change.

(f) Waters within Areas Acquired through Donation, Trade, or Purchased Under the Environmentally Endangered Lands Bond Program, Conservation and Recreation Lands Program, Land Acquisition Trust Fund Program, and Save Our Coast Program.

Program Area	County
1. through 3. No change.	

4. Beker Tracts (10-4-90)	<u>Manatee</u>
5. through 9. No change.	
10. Carlton Half-Moon Ranch (8-8-94)	<u>Sumter</u>
11. through 68. No change.	

(g) No change.

(h) Waters within State Aquatic Preserves.

Aquatic Preserves	County
1. through 27. No change.	
28. Nature Coast (7-1-20)	<u>Citrus/Hernando/Pasco</u>
28. through 43. renumbered 29. through 44. No change.	

(i) Special Waters.

1. through 4. No change.

5. Chassahowitzka River System including: Potter, Salt, Baird, Johnson, Crawford, Ryle, and Stevenson Creeks, and other tributaries to the Chassahowitzka River; but excluding artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (1-5-93).

6. through 8. No change.

9. Crooked Lake in Polk County including the area known as Little Crooked Lake and the connecting waterway between these waterbodies; less however, artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (4-9-87).

10. No change.

11. Econlockhatchee River System – consisting of the Econlockhatchee River and the following tributaries:

a. through l. No change.

m. But excluding all other tributaries and artificial water bodies, defined as any water body created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (6-18-92).

12. Estero Bay Tributaries including: Hendry Creek to State Road 865, Big Bayou, Mullock Creek to U.S. 41 (State Road 45); Mud Creek; Estero River (north and south branches) to I-75 Halfway Creek to State Road 41; Spring Creek to Business Route 41 (State Road 887, old State Road 41), and the unnamed south branch of Spring Creek in Sections 20 and 29; Imperial River to the eastern line of Section 31, Range 26 East, Township 47 South, Oak Creek, and Leitner Creek; except for Tenmile Canal and any artificial water bodies, defined as any water body created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (10-4-90).

13. Florida Keys, including channels as defined in 403.803(3), F.S. subsection 62-312.020(4), F.A.C., and

described as follows: Commence at the northeasterly most point of Palo Alto Key and run due north to a point at the center of the channel of Broad Creek as the point of beginning, thence due east to the eastern boundary of the jurisdictional waters of the State of Florida, thence meander southerly along said eastern boundary to a point due south of the westernmost point of the island of Key West; thence westerly, northerly and easterly along the arc of a curve three leagues distant from the westernmost point of the island of Key West to a point due north of the island of Key West; thence northeasterly three leagues distant from the most northerly land of the Florida Keys to the intersection with the boundary of the Everglades National Park; thence southeasterly, northeasterly and northwesterly along the boundary of the Everglades National Park to the intersection with the Dade County-Monroe County line; thence northeasterly and easterly along the Dade County-Monroe County line to the point of beginning; less however, three areas:

a. through b. No change.

c. Artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (5-8-85).

14. No change.

15. Homosassa River System including: Halls River, Turtle, Otter, Battle, and Price Creeks, and other tributaries to the Homosassa River; but excluding artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (1-5-93).

16. No change.

17. Lake Disston – Specifically including Lake Disston plus contiguous wetlands within the following areas: Township 14 South, Range 29 East, Sections 21, 20, 19, 18, 17, 16, 9, 8 and 7 in Flagler County; and Township 14 South, Range 28 East, Sections 13 and 24 in Volusia County except:

a. Artificial water bodies defined as any water body created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C.; and,

b. No change.

18. No change.

19. Lemon Bay estuarine system – from Boca Grande Causeway northward to approximately two thousand feet northwest of the mouth of Alligator Creek, specifically identified as the East line of Section 31, Township 39 South, Range 19 East, including Placida Harbor, Gasparilla Pass, Kettle Harbor, Bocilla Lagoon, Bocilla Pass, Knight Pass, Stump Pass, Lemon Bay, Buck Creek upstream to County Road 775, Oyster Creek upstream to County Road 775, Ainger (Rock) Creek upstream to County Road 775, and Godfrey (Godfried, Gottfried) Creek upstream to County Road 775; but

excluding:

a. No change.

b. Artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (4-29-86).

20. through 21. No change.

22. Myakka River between State Road 771 (El Jobean Bridge) and the Charlotte-Sarasota County line, except for artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (4-19-88).

23. through 28. No change.

29. Sarasota Bay estuarine system – generally extending from Venice north to the Hillsborough-Manatee County line and specifically described as follows: Commence at the northern tip of Anna Maria Island and follow a line running to the southern tip of Egmont Key until intersecting the boundary between Hillsborough and Manatee Counties; thence run easterly and northeasterly along the county boundary until intersecting the Intracoastal Waterway; thence proceed southerly until intersecting a line between the southern tip of Mullet Key and the western tip of Snead Island; thence proceed southeasterly along said line to the western tip of Snead Island; thence to De Soto Point; and thence westerly and southerly including all of the Sarasota Bay estuarine system southward to the northernmost U.S. Highway Business Route 41 bridge over the Intracoastal Waterway in Venice, including Anna Maria Sound, Passage Key Inlet, Perico Bayou, Palma Sola Bay, Longboat Pass, Sarasota Bay, New Pass, Big Sarasota Pass, Roberts Bay, Little Sarasota Bay, Dryman Bay, Blackburn Bay, Lyons Bay, Venice Inlet, Dona Bay upstream to the U.S. Highway 41 bridge, and Roberts Bay upstream to the U.S. Highway 41 bridge; less however, the following areas:

a. through c. No change.

d. Artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (4-29-86).

e. No change.

30. through 37. No change.

38. Weekiwachee Riverine and Spring System – consisting of the Weekiwachee Springs and River, Mud Springs and River, Jenkins Creek, Salt Spring and Creek, the Weekiwachee Swamp, and all tributaries and contiguous wetlands within the following sections: Township 23 South, Range 17 East, Sections 2-9; Township 22 South, Range 17 East, Sections 20, 21, and 27-35, together with that portion of Section 19 that is southerly of CR 550 (Cortez Blvd.); Township 22 South, Range 16 East, Sections 25 and 36; including any and all waters, and

wetlands contiguous to the tributaries located southerly of the north line of Section 25, Township 22 South, Range 16 East and westerly projection thereof and easterly of the west line of Section 36, Township 22 South, Range 16 East and northerly projection thereof, and easterly of a line through latitude 28° 32' 52" North, longitude 82° 39' 23" West, and through latitude 28° 31' 47" North, longitude 82° 39' 52" West (North American Datum of 1983). This OFW excludes artificial waters defined as any water body created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (12-11-03).

39. through 40. No change.

41. Withlacoochee Riverine and Lake System, including:

a. through h. No change.

i. But excluding all other tributaries and artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in 403.803(2), F.S. subsection 62-312.020(3), F.A.C. (4-10-89), ~~and,~~

(j) through (n) No change.

(10) No change.

Rulemaking Authority 403.061, 403.087, 403.088, 403.804, 403.805 FS. Law Implemented 403.021(11), 403.061, 403.062, 403.087, 403.088, 403.101, 403.141, 403.182, 403.502, 403.702, 403.708 FS. History—New 3-1-79, Amended 8-10-80, 8-24-82, 9-30-82, 11-30-82, 2-1-83, 6-1-83, 3-1-84, 8-16-84, 12-11-84, 1-17-85, 5-8-85, 4-29-86, 5-14-86, 5-22-86, 5-28-86, 10-29-86, 2-18-87, 4-9-87, 11-24-87, 12-15-87, 1-26-88, 4-19-88, 12-28-88, 4-10-89, 9-13-89, 10-4-89, 12-20-89, 1-28-90, Formerly 17-3.041, Amended 10-4-90, 11-8-90, 7-11-91, 8-18-91, 12-11-91, 6-18-92, 1-5-93, 8-8-94, Formerly 17-302.700, Amended 1-23-95, 4-3-95, 4-12-95, 7-16-96, 4-4-01, 12-11-03, 1-9-06, 12-7-06.

62-302.800 Site Specific Alternative Criteria.

(1) Type I Site Specific Alternative Criteria: A waterbody, or portion thereof, may not meet a particular ambient water quality criterion specified for its classification, due to natural background conditions or man-induced conditions which cannot be controlled or abated. In such circumstances, and upon petition by an affected person or upon the initiation by the Department, the Secretary may establish a site specific alternative water quality criterion when an affirmative demonstration is made that an alternative criterion is more appropriate for a specified portion of waters of the state. Public notice and an opportunity for public hearing shall be provided prior to issuing any order establishing alternative criteria.

(a) The affirmative demonstration required by this section shall mean a documented showing that the proposed alternative criteria would exist due to natural background conditions or man-induced conditions which cannot be controlled or abated. Such demonstration shall be based upon relevant factors which include:

1. through 3. No change.

4. A discussion of any impacts of the proposed alternative criteria on the designated use of the waters and downstream adjoining waters.

5. A description of the occurrence of any listed threatened or endangered species and critical habitats within the water.

(b) No change.

(2) Type II Site Specific Alternative Criteria: In accordance with the procedures set forth below, affected persons may petition the Department, or the Department may initiate rulemaking, to adopt an alternative water quality criterion for a specific waterbody, or portion thereof, on the basis of site-specific reasons other than those set forth above in subsection 62-302.800(1), F.A.C. The Department shall process any such petition as follows:

(a) through (b) No change.

(c) The Department shall initiate rulemaking for the Commission to consider approval of the proposed alternative criterion as a rule if the petitioner meets all the requirements of this subparagraph and its subparts. The petitioner must demonstrate that the proposed criterion would fully maintain and protect human health, existing uses, and the level of water quality necessary to protect human health and existing and designated beneficial uses. If the petition fails to meet any of these requirements (including the required demonstration), the Department shall issue an order denying the petition. In deciding whether to initiate rulemaking or deny the petition, the Department shall evaluate the petition and other relevant information according to the following criteria and procedures:

1. The petition shall include all the information required under subparagraphs (1)(a)1.-5., (1)(a)1.-4., above.

2. through 7. No change

(d) through (f) No change.

(3) Type III Site Specific Alternative Criteria (SSAC) for Nutrients: Upon petition by an affected person or upon initiation by the Department, the Department shall establish, by Secretarial Order, site specific numeric nutrient criteria when an affirmative demonstration is made that the proposed criteria achieve the narrative nutrient criteria in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C., and are protective of downstream waters. Public notice and an opportunity for public hearing shall be provided prior to adopting any order establishing alternative criteria under this subsection.

(a) The Department shall establish a Type III SSAC if all of the following conditions are met:

1. The petitioner demonstrates that the waterbody achieves the narrative nutrient criteria in paragraph 62-302.530(48)(b) ~~62-302.530(47)(b)~~, F.A.C.

a. through c. No change.

2. through 3. No change.

(b) No change.

(4) through (5) No change.

(6) Type II site specific alternative criteria apply to the water bodies, or portions of the water bodies, listed below. For dissolved oxygen site specific alternative criteria, normal daily and seasonal fluctuations above the levels listed in the table below shall be maintained. For site specific alternative criteria with seasonal limits, the generally applicable criteria in Rule 62-302.530, F.A.C., apply at other times of the year.

Water Body and Class	Site Specific Alternative Criteria	County(s)
(a) through (e) No change.		
(f) <u>Northwest Mitigation Area wetlands and Barley Barber Swamp, as delineated on the map titled "Northwest Mitigation Area Wetlands and Barley Barber Swamp Total Ammonia Nitrogen (TAN) SSAC Boundary, August 2020" effective date [Month Year], (https://flrules.org/Gateway/reference.asp?No=Ref-18133), which is incorporated by reference herein. Copies of this map may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Class III.</u>	The <u>30-day average TAN value shall not exceed the average of the values calculated from the following equation, with no single value exceeding 2.5 times the value from the equation:</u> $30\text{-day Average} = 0.9405 \times \left(\frac{0.0278}{1 + 10^{7.499 - \text{pH}}} \right) +$ <u>T and pH are defined as the paired temperature (°C) and pH associated with the TAN sample. MIN is the minimum of either 6.920 or 7.547 x 100.028(20-T). For purposes of TAN criteria calculations, pH is subject to the range of 6.5 to 9.0. The pH shall be set at 6.5 if measured pH is < 6.5 and set at</u>	<u>Martin</u>

	<u>9.0 if the measured pH is > 9.0. Calculated values are expressed as milligrams/L as Total Ammonia Nitrogen (TAN = NH₄⁺ + NH₃).</u>	
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Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.502 FS. History—Formerly 17-3.05(4), Amended 3-1-79, 10-2-80, 2-1-83, Formerly 17-3.031, Amended 6-17-92, Formerly 17-302.800, Amended 5-15-02, 1-9-06, 6-28-06, 12-7-06, 8-5-07, 8-5-10, 7-3-12, 8-1-13, 10-6-14, 2-17-16,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lawrence Glenn, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alexis A. Lambert, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 17, 2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-303.100	Scope and Intent
62-303.200	Definitions
62-303.320	Aquatic Life-Based Water Quality Criteria Assessment
62-303.330	Biological Assessment
62-303.350	Assessments of Numeric Interpretation of Narrative Nutrient Criteria
62-303.351	Nutrients in Freshwater Streams
62-303.352	Nutrients in Freshwater Lakes
62-303.353	Nutrients in Estuaries and Open Coastal Waters
62-303.354	Nitrate-nitrite in Freshwater Spring Vents
62-303.360	Primary Contact and Recreation Use Support
62-303.370	Fish and Shellfish Consumption Use Support
62-303.380	Drinking Water Use Support and Protection of Human Health
62-303.390	The Study List
62-303.400	Methodology to Develop the Verified List
62-303.420	Aquatic Life-Based Water Quality Criteria Assessment
62-303.430	Biological Impairment

62-303.450	Assessments of Numeric Interpretation of Narrative Nutrient Criteria
62-303.460	Primary Contact and Recreation Use Support
62-303.470	Fish and Shellfish Consumption Use Support
62-303.480	Drinking Water Use Support and Protection of Human Health
62-303.500	Prioritization for TMDL Development
62-303.600	Evaluation of Pollution Control Mechanisms
62-303.700	Listing Cycle
62-303.720	Delisting Procedure

PURPOSE AND EFFECT: The proposed revisions to Chapter 62-303, F.A.C., are intended to provide additional clarity in the overall impaired waters assessment and the specific assessment of recently adopted or concurrently proposed water quality criteria in Chapter 62-302, F.A.C. The rule revisions are adopted as part of the Triennial Review of Florida water quality standards.

SUMMARY: The Department proposes revisions to Chapter 62-303, F.A.C., designed to clarify the assessment methodology for identifying impaired surface waters. New provisions primarily relate to: (1) revision of the trend assessment for nutrients, (2) addition of language to cross-reference the document titled “Implementation of Florida’s Numeric Nutrient Standards for Streams” that is incorporated by reference in Chapter 62-302, F.A.C., and (3) addition of text to address evaluating the progress of restoration activities.

Other Rules Incorporating This Rule: Chapter 62-303, F.A.C., is referenced by the following rules: 62-40.210, 62-40.430, 62-40.540, 62-302.300, 62-302.530, 62-302.531, 62-302.800, 62-303.100, 62-303.150, 62-303.200, 62-303.300, 62-303.310, 62-303.320, 62-303.330, 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-303.354, 62-303.360, 62-303.370, 62-303.380, 62-303.390, 62-303.400, 62-303.410, 62-303.420, 62-303.430, 62-303.450, 62-303.460, 62-303.470, 62-303.480, 62-303.500, 62-303.600, 62-303.700, 62-303.710, 62-303.720, 62-303.810, 62-304.100, 62-305.200, 62-672.780, F.A.C.

Summary of Effects on Other Rules Incorporating by this Rule by Reference:

The other rules that cross-reference these rules do not require any corrections or amendments by the Department as a result of the proposed revisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The SERC prepared by the Agency is accessible at <https://floridadep.gov/dear/water-quality-standards/content/triennial-review-water-quality-standards>.

The revisions to Chapter 62-303, F.A.C., are primarily either clarifications or provide additional flexibility in implementation, and thus, are not expected to result in additional costs.

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:

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 FS.

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

DATE AND TIME: September 25, 2025 at 9:00 a.m. EDT

PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Room 137, 3900 Commonwealth Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: DeAsia Armster, Water Quality Standards Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone (850)245-8429, email WQS_Rulemaking@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-303.100 Scope and Intent.

(1) through (4) No change.

(5) Pursuant to Section 403.067, F.S., impaired waters shall not be listed on the Verified List if reasonable assurance is provided that, as a result of existing or proposed technology-based effluent limitations and other pollution control programs under local, state, or federal authority, they will attain water quality standards in the future and reasonable progress towards attainment of water quality standards will be made within the

~~next six years by the time the next section 303(d) list for the basin is scheduled to be submitted to EPA.~~

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.021(11), 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 2-17-16, ____.

62-303.200 Definitions.

As used in this chapter:

(1) through (11) No change.

(12) "Nutrient response variable" shall mean a biological variable, such as chlorophyll a, or biomass or structure of the phytoplankton, periphyton or vascular plant community, that responds to nutrient load or concentration in a predictable and measurable manner. For purposes of interpreting paragraph ~~62-302.530(48)(b)~~ 62-302.530(47)(b), F.A.C., dissolved oxygen (DO) shall also be considered a nutrient response variable if it is demonstrated for the waterbody that DO conditions result in biological imbalance and the DO responds to a nutrient load or concentration in a predictable and measurable manner.

(13) through (19) No change.

(20) "Predominantly fresh waters" shall mean surface waters in which the chloride concentration is less than 1,500 milligrams per liter or specific conductance is less than 4,580 µmhos/cm. Measurements from within the bottom half of the water column shall be the primary factor for making this determination. ~~shall be taken within the bottom half of the water column.~~

(21) "Predominantly marine waters" shall mean surface waters in which the chloride concentration is greater than or equal to 1,500 milligrams per liter or specific conductance is greater than or equal to 4,580 µmhos/cm. Measurements from within the bottom half of the water column shall be the primary factor for making this determination. ~~shall be taken within the bottom half of the water column.~~

(22) through (35) No change.

(36) "Waters" shall be those surface waters described in Section ~~403.031~~ 403.031(13), F.S.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 6-5-06, 12-11-06, 7-2-12, 2-17-16, ____.

62-303.320 Aquatic Life-Based Water Quality Criteria Assessment.

(1) No change.

(2) The Department's Florida Storage and Retrieval (FLASTORET) database, Water Information Network (WIN) or their ~~its~~ successors, shall be the primary source of data used for determining whether samples do not meet water quality criteria. As required by subsection 62-40.540(3), F.A.C., the Department, other state agencies, the Water Management Districts, and local governments collecting surface water

quality data in Florida shall enter the data into WIN FLASTORET, or its successors, within one year of collection. Other sampling entities that want to ensure their data will be considered for evaluation should ensure their data are entered into WIN FLASTORET, or its successors. The Department shall consider data submitted to the Department from other sources and databases if the data meet the sufficiency and data quality requirements of this section.

(3) Unless information presented to the Department demonstrates otherwise, data older than 10 ~~ten~~ years are not representative of current conditions and shall not be used to develop Planning Lists except to evaluate historical trends or background conditions. Any determinations by the Department to use data older than 10 years shall be documented, and the documentation shall include the basis for the decision that the data are representative of current conditions. Further, more recent data shall take precedence over older data if:

(a) through (b) No change.

(4) To place a water segment on the Planning List using Table 1, a water segment shall have a minimum of ten samples for the ten-year period, with at least five temporally independent samples. To be treated as a temporally independent sample, samples shall be at least one week apart, regardless of whether the samples are collected at different locations within the segment.

(a) No change.

(b) For assessing lakes, ~~the daily average DO in freshwaters, the following provisions apply: level shall be calculated as the average of measurements collected in the upper two meters of the water column at the same location and on the same day. For all other fresh waters, the daily average freshwater DO level shall be calculated as the average of all measurements collected in the water column at the same location and on the same day. If any individual DO measurement is greater than 100 percent saturation, 100 percent shall be substituted for that value for the purpose of calculating daily averages.~~

1. For lakes, the daily average DO shall be calculated as the average of measurements collected in the upper two meters of the water column at the same location and on the same day.

2. For all other fresh waters, the daily average freshwater DO shall be calculated as the average of all measurements collected in the water column at the same location and on the same day.

3. If any individual DO measurement is greater than 100 percent saturation, 100 percent shall be substituted for that value for the purpose of calculating daily averages.

(c) through (d) renumbered 4. through 5. No change.

(e) through (g) renumbered (c) through (e) No change.

(5) For assessment of DO in the portions of the Suwannee, Withlacoochee (North), and Santa Fe Rivers utilized by the

Gulf Sturgeon, and in the portions of the Santa Fe and New Rivers utilized by the Oval Pigtoe Mussel, waters will be listed on the Planning List when more than 50 percent of the daily average values ~~measurements~~ are below the applicable median or more than 10 percent of the daily average values are below the applicable 10th percentile value at a minimum of a 80 percent confidence level using the binomial distribution. The applicable median and 10th percentile values are specified by river segment in Appendix I of the “Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida’s Fresh and Marine Waters, June 2025” (incorporated by reference in paragraph 62-302.533(1)(e), F.A.C.). ~~(DEP-SAS-001/13), dated March, 2013 (http://www.flrules.org/Gateway/reference.asp?No=Ref-02961), which is incorporated by reference herein. Copies of Appendix I may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.~~

(6) For predominantly marine waters, the Department shall evaluate the daily average DO criterion using Table 1 set forth in subsection 62-303.320(1), F.A.C., above, and shall also evaluate whether the 7-day and 30-day average criteria have been achieved during the assessment planning period. A water segment shall be placed on the Planning List for potential DO impairment if the number of samples that do not meet the daily average DO criterion is greater than or equal to the number listed in Table 1 for the given sample size, or if it has a weekly average value below the 7-day average DO criterion or a monthly average value below the 30-day DO criterion in the assessment planning period.

(a) through (c) No change.

(d) For assessment purposes, the 30-day average DO percent saturation shall be calculated as a monthly average using a minimum of three full days of diel data, with at least one day of data collected each diel sampling conducted in three different weeks of the 30-day period month, or grab samples collected from a minimum of ten different days of the 30-day period month.

(e) No change.

(7) through (10) No change.

(11) For the assessment of the DO criteria, any DO data collected as a concentration in mg/L ~~mg/L~~ shall be converted to percent saturation using the temperature and salinity measured at the same location within fifteen minutes of the DO measurement. Percent DO saturation shall be calculated using the method in Section 5.4 of the “Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida’s Fresh and Marine Waters,” (DEP-SAS-001/13), dated March, 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02958>), which is incorporated by reference herein. Copies of

Section 5.4 may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

(12) Surface water data with values below the applicable practical quantification limit (PQL) or method detection limit (MDL) shall be assessed in accordance with paragraphs 62-4.246(6)(b) and (c), and subsection 62-303.320(8), F.A.C. Results reported by a laboratory with the “U” data qualifier code according to paragraphs 62-160.340(3)(b) and (c), F.A.C., shall be assessed as half the reported result or half the criterion, whichever is lower.

(a) No change.

(b) If appropriate analytical methods were used, then data with values below the applicable MDL will be deemed to meet the applicable water quality criterion and data with values between the MDL and PQL will be deemed to be equal to the MDL, except for the assessments of numeric interpretations of the narrative nutrient criterion in Rule 62-303.350, F.A.C., values between the MDL and PQL will be assessed as reported, consistent with the criteria derivation.

(13) No change.

(14) A water segment shall be placed on the Planning List for DO impairment if there has been a statistically significant decreasing trend in DO levels or increasing trend in the range of daily DO fluctuations over the assessment planning period at the 90 percent confidence level using a one-sided Seasonal Kendall Trend Test ~~test for trend~~, as described in Helsel, D.R. and R.M. Hirsch, 2002, Statistical Methods in Water Resources, USGS, pages 338 through 340 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02962>), which are incorporated by reference herein, after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, quality assurance issues, and changes in analytical methods, and except as provided for under Rules 62-302.300 and 62-4.242, F.A.C. A copy of pages 338 through 340 may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

(15) For assessment of the 30-day average total ammonia criterion, the monthly average total ammonia shall be calculated for a station using a minimum of four samples collected within the month. A water segment shall be placed on the Planning List for potential total ammonia impairment if a station within the segment has a monthly average value above the 30-day average criterion in the assessment planning period.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 8-1-13, 2-17-16, ____.

62-303.330 Biological Assessment.

(1) No change.

(2) Biological Health Assessments used to evaluate predominantly freshwater streams and lakes under this rule shall include the Stream Condition Index (SCI), the Lake Vegetation Index (LVI), and the Shannon-Weaver Diversity Index. BioRecons can also be used to evaluate predominantly freshwater streams under this rule. Because these Biological Health Assessment procedures require specific training and expertise, persons conducting a BioRecon, SCI or LVI must comply with the quality assurance requirements ~~of Chapter 62-160, F.A.C., attend at least eight hours of Department field training and pass a Department audit that verifies the sampler follows the applicable SOPs, as set forth in Chapter 62-160, F.A.C., before their Biological Health Assessment data will be considered valid for use under this rule.~~

(3) A water segment shall be included on the Planning List if it meets any of the following conditions, given a minimum sample size of one bioassessment:

(a) No change.

(b) The average score of all SCIs is below 40.

(c)(b) One of the two most recent SCI scores is:

1. A score of less than ≤ 35 , or

2. No change.

(d)(c) One of the two most recent BioRecon has a score less than ≤ 4 .

(e) The average score of all the temporally independent LVI scores is below 43 for a lake segment.

(f)(d) One of the two most recent LVI ~~Lake Vegetation Index~~ scores is:

1. A score less than ≤ 43 , or

2. No change.

(4) No change.

(5) To qualify as temporally independent samples, each Biological Health Assessment shall be conducted at least 90 days ~~three months~~ apart. Biological Health Assessments conducted within 200 meters in a stream or within the same lake less than 90 days ~~three months~~ apart shall be considered one sample, with the mean value used to represent the sampling period. Biological Health Assessments conducted at locations greater than 200 meters apart in a stream shall be assessed as independent scores regardless of temporal separation of samples.

(6) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 2-17-16, ____.

62-303.350 Assessments of Numeric Interpretations of Narrative Nutrient Criterion.

(1) The numeric interpretations of the narrative nutrient criterion in Rules Sections ~~Sections~~ 62-302.531 and 62-302.532, F.A.C., and the nutrient impairment thresholds identified in Rules 62-

303.351 through 62-303.354, F.A.C., shall be the primary means for assessing whether a water should be assessed further for nutrient impairment. Other information indicating an imbalance in flora or fauna due to nutrient enrichment, such as algal blooms or mats, excessive nuisance macrophyte growth, decrease in the distribution (either in density or areal coverage) of seagrasses or other submerged aquatic vegetation, adverse changes in algal species composition, ~~and~~ excessive diel oxygen swings, shall also be considered for placing waters on the Planning List.

(2) To be used to determine whether a waterbody should be assessed further for nutrient enrichment, data must meet the requirements of subsections and paragraphs (2), (3), (4)(a), (4)(c)-(e) ~~(e)-(g)~~, (8), (9), (12) and (13), in Rule 62-303.320, F.A.C.

(3) No change.

(4) To assess nutrient criteria expressed as a long-term average of annual means, annual medians, or annual geometric means for TN, TP, NO₃-NO₂, or chlorophyll a, the long-term average of annual means, annual medians, or annual geometric means shall be based on data from at least 3 years meeting the minimum data requirements of subsection 62-303.350(3), F.A.C.

(5) No change.

(6) The assessment of nutrient criteria expressed as a salinity or specific conductance dependent equation shall be based on salinity or specific conductance measurements taken at the same station and time as the applicable nutrient concentration samples.

(7) To assess nitrate-nitrite criteria expressed as monthly averages, the monthly average nitrate-nitrite shall be calculated using a minimum of one sample collected within the month.

~~(8)(6)~~ To be assessed under this chapter, except for data used to establish historical chlorophyll a levels and estuary-specific numeric interpretations of the narrative nutrient criterion for estuaries in subparagraphs 62-302.532(1)(b)1.-7., F.A.C., chlorophyll a data shall be determined using Department-approved methods as measured according to the requirements as set forth in Chapter 62-160, F.A.C. the DEP document titled, "Applicability of Chlorophyll a Methods" (DEP SAS 002/10), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02914>), incorporated by reference herein, unless an alternative method is specifically approved by the Department under Chapter 62-160, F.A.C. Copies of the chlorophyll a document may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400. Chlorophyll a data shall be corrected for or free from the interference of pheophytin.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-

12, 2-17-16, ____.

62-303.351 Nutrients in Freshwater Streams.

A stream or stream segment shall be included on the Planning List for nutrients if:

(1) The applicable numeric interpretation of the narrative nutrient criterion for streams established in subsection 62-302.531(2), F.A.C., is exceeded for any parameter; taking into consideration the floral metrics for the Rapid Periphyton Survey (RPS), Linear Vegetation Survey (LVS), and chlorophyll a, the nutrient thresholds for TN and TP, and SCI results for the stream, consistent with the document titled "Implementation of Florida's Numeric Nutrient Standards for Streams, June 2025" (incorporated by reference in subsection 62-302.200(36), F.A.C.);

(2) For streams meeting the definition in subsection 62-302.200(36), F.A.C., that do not have a site specific numeric interpretation of the narrative nutrient criterion, the nutrient thresholds in subparagraph 62-302.531(2)(c)2., F.A.C., are exceeded and insufficient Biological Health Assessment data are available to fully assess achievement of the nutrient provisions in subparagraph 62-302.531(2)(c)1., F.A.C., or if there is an annual geometric mean chlorophyll a greater than 3.2 ug/L;

(3) Algal mats or blooms are present in sufficient quantities to pose a nuisance or hinder reproduction of a threatened or endangered species, or other information is available, pursuant to Rule 62-303.350, F.A.C., indicating an imbalance in flora or fauna due to nutrient enrichment;

(4) No change.

(5) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP or chlorophyll a over the assessment planning period using the Mann-Kendall Trend Test. To calculate the trend there must be a minimum of four annual geometric means in the assessment period.

~~a Mann's one-sided, upper tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which are incorporated by reference herein. Copies of these pages may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.~~

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Repromulgated 1-2-07, 7-2-12, 2-17-16, ____.

62-303.352 Nutrients in Freshwater Lakes.

(1) Lakes or lake segments shall be included on the Planning List for nutrients if:

(a) No change.

(b) Algal mats or blooms are present in sufficient quantities to pose a nuisance or hinder reproduction of a threatened or endangered species, or other information is available, pursuant to Rule 62-303.350, F.A.C., indicating an imbalance in flora or fauna due to nutrient enrichment; or

(c) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll a over the assessment planning period using the Mann-Kendall Trend Test. To calculate the trend there must be a minimum of four annual geometric means in the assessment period; or

~~a Mann's one-sided, upper tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in Rule 62-303.351, F.A.C.~~

(d) There are insufficient data to calculate the long-term geometric mean for color, alkalinity or specific conductance for a lake, the lake shall be included on the Planning List if: the annual geometric mean chlorophyll a value is greater than 20 ug/L in at least one year.

1. the annual geometric mean chlorophyll a value is greater than 6 ug/L in at least one year,

2. the annual geometric mean total nitrogen value is greater than 0.51 mg/L in at least one year, or

3. the annual geometric mean total phosphorus value is greater than 0.01 mg/L in at least one year.

(2) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 2-17-16, ____.

62-303.353 Nutrients in Estuaries and Open Coastal Waters.

Estuaries, estuary segments, or open coastal waters shall be included on the Planning List for nutrients if:

(1) The numeric interpretation of the narrative nutrient criterion established in subsection 62-302.532(1) 62-302.531(2) or 62-302.532(2), F.A.C., is exceeded for any parameter, or

(2) No change.

(3) Algal mats or blooms are present in sufficient quantities to pose a nuisance or hinder reproduction of a threatened or endangered species, or other information is available, pursuant to Rule 62-303.350, F.A.C., indicating an imbalance in flora or fauna due to nutrient enrichment; or

(4) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll a over the assessment planning period using the Mann-Kendall Trend Test. To calculate the trend there must be a minimum of four annual geometric means in the assessment period;

~~a Mann's one-sided, upper tail test for trend as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in subsection 62-303.351(5), F.A.C., or~~

(5) For estuaries with nutrient criteria expressed as not to be exceeded in more than 10 percent of the samples, the nutrient data exceed the listing thresholds in subsection 62-303.320(1), F.A.C. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), (4)(c)-(4)(e), (8), and (9), F.A.C.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 8-1-13, 2-17-16, ____.

62-303.354 Nitrate-nitrite in Freshwater Spring Vents.

A spring vent in predominantly fresh waters shall be included on the Planning list for nitrate-nitrite if:

(1) No change.

(2) Algal mats or blooms are present in sufficient quantities to pose a nuisance or hinder reproduction of a threatened or endangered species, or other information is available, pursuant to Rule 62-303.350, F.A.C., indicating an imbalance in flora or fauna due to nutrient enrichment; or

(3) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in nitrate-nitrite over the assessment planning period using the Mann Kendall Trend Test. To calculate the trend there must be a minimum of four annual geometric means in the assessment period; or ~~a Mann's one-sided, upper tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in Rule 62-303.351, F.A.C.~~

(4) For a spring with a nitrate-nitrite criterion expressed as a monthly average, there is a sufficient number of samples from the water segment that do not meet the applicable water quality criterion based on the methodology described in subsection 62-303.320(1), F.A.C. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), (4)(c)-(4)(e), (8), and (9), F.A.C.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 7-2-12, Amended 2-17-16, ____.

62-303.360 Primary Contact and Recreation Use Support.

(1) A Class I, I-Treated, II, III or III-Limited (if primary contact and recreational use is not limited) water shall be placed on the Planning List for evaluating primary contact and recreation use support based on bacteriological data if:

(a) There is a sufficient number of samples from the water segment that do not meet the applicable water quality criteria

for E. coli for predominantly freshwaters or enterococci for predominantly marine waters expressed as a Ten Percent Threshold Value (TPTV) based on the methodology described in subsection 62-303.320(1), F.A.C. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), ~~(4)(c)-(4)(e) (4)(e)-(4)(g)~~, (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged, or

(b) The waterbody includes a sampling location that has one or more monthly geometric mean values above the monthly geometric mean E. coli criterion for predominantly freshwaters or enterococci criterion for predominantly marine waters during the assessment planning period. To calculate a monthly geometric mean, for Class I or Class I-Treated waters, there shall be at least 5 samples taken on five different days over a calendar month. For Class II, Class III, or Class III-Limited waters, there shall be at least 10 ten samples collected on ten different days over a calendar within that month, with at least one sample from each full week of the month. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), ~~(4)(c)-(4)(e) (4)(e)-(4)(g)~~, (8), and (9), F.A.C., and samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged.

(2) through (4) No change.

(5) A Class I, I-Treated, II, III, or III-Limited water shall be placed on the Planning List for evaluating primary contact and recreation use support based on health alert notifications issued by a county health department due to the detection of an algal toxin. The health alert notifications shall total at least 21 days during a calendar year.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, 2-17-16, 10-17-16, ____.

62-303.370 Fish and Shellfish Consumption Use Support.

(1) A Class I, I-Treated, II, III or III-Limited water shall be placed on the Planning List for fish consumption if DOH has issued an advisory to limit consumption of any fish species from that water to one meal per week or less frequent consumption. there is either a limited or no consumption fish consumption advisory, issued by the DOH, or other authorized governmental entity, in effect for the water segment.

(2) A Class II water shall be placed on the Planning List for shellfish consumption based on its shellfish harvesting classification if the water segment includes an area that is classified by the Department of Agriculture and Consumer Services' Division of Aquaculture Shellfish Environmental Assessment Section (SEAS) in one of the following shellfish

harvesting classifications:

(a) No change.

(b) Conditionally approved, ~~excluding any areas for which SEAS identified only wildlife as the potential source of bacteriological contamination for the shellfish harvesting area,~~ or

(c) No change.

(3) A Class II water shall be placed on the Planning List for shellfish consumption based on bacteriological data if:

(a) There is a sufficient number of samples from the water segment that do not meet the applicable Class II water quality criteria for fecal coliforms based on the methodology described in subsection 62-303.320(1), F.A.C. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), ~~(4)(c)-(4)(e) (4)(e)-(4)(g)~~, (8), and ~~(8)~~, (9), F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days will be assessed as individual samples, or

(b) The water segment includes a sampling location that has a median fecal coliform Most Probable Number (MPN) or Membrane Filter (MF) value that exceeds 14 counts per 100 ml for the assessment planning period. To calculate a median value for a sampling location, there shall be at least 10 samples collected during the assessment planning period. Data must meet the requirements of subsections (2)-(4), (8), and (9), in Rule 62-303.320, F.A.C., however samples collected on different days within any four day period will be assessed as individual samples and samples collected on the same day shall be averaged.

(c) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, 2-17-16, 10-17-16, ____.

62-303.380 Drinking Water Use Support and Protection of Human Health.

(1) A Class I or Class I-Treated water shall be placed on the Planning List for potential impairment of drinking water use support and the protection of human health based on bacteriological data if:

(a) There is a sufficient number of E. coli samples from the water segment that do not meet the applicable Class I or Class I-Treated water quality criteria for bacteriological quality expressed as a Ten Percent Threshold Value (TPTV) based on the methodology described in Rule 62-303.320, F.A.C. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), ~~(4)(c)-(4)(e) (4)(e)-(g)~~, (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged, or

(b) The water segment includes a sampling location that

has one or more monthly geometric mean values above the monthly geometric mean E.coli criterion during the assessment planning period. To calculate a monthly geometric mean value for a sampling location, there shall be at least five samples collected within that month, with at least one sample from each full week of the month. Data must meet the requirements of subsections 62-303.320(2), (3), ~~(4)(c)-(4)(e)~~ ~~(4)(e)-(4)(g)~~, (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged.

(2) A Class I or Class I-Treated water shall be placed on the Planning List for potential impairment of drinking water use support and the protection of human health based on information provided by public water systems if a public water system demonstrates to the Department that either:

(a) through (c) No change.

(3) A Class I, I-Treated, II, III, or III-Limited water shall be placed on the Planning List for potential impairment of drinking water use support or the protection of human health if:

(a) through (b) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, 2-17-16, 10-17-16, _____.

62-303.390 The Study List.

(1) The Study List contains waters where additional information or Department review is needed before the water is placed on the Verified List for TMDL development but available evidence indicates ~~there is a clear adverse trend in nutrients or nutrient response variables with a reasonable expectation that the water will become impaired within 10 years, or evidence indicates~~ nonattainment of water quality standards or stream nutrient thresholds. Causes of nonattainment can include excess pollutant loading or concentrations, habitat or hydrologic alterations, or natural conditions. Waters that do not attain water quality standards due to natural conditions pursuant to Rule 62-303.420, F.A.C., shall not be added to the Study List. To conform to the expectations of Section 303(d) of the Federal Clean Water Act and federal regulations at 40 C.F.R. 130.7(b), waters and associated parameters identified ~~identified~~ in the Study List will be submitted to EPA as water quality limited segments. However, pursuant to Section 403.067(2)(a), F.S., the Study List cannot be used in the administration or implementation of any regulatory program. A TMDL shall not be established by the Department for a waterbody placed on the Study List pursuant to subsection 62-303.390(2), F.A.C., until such time as it is placed on the Verified List pursuant to Part IV of this chapter.

(2) A Class I, I-Treated, II, III or III-Limited water shall be placed on the Study List if:

(a) For waters with a statistically-significant increasing

trend in TN, TP, nitrate-nitrite, or chlorophyll a pursuant to paragraph 62-303.352(1)(c), F.A.C.; or, subsection 62-303.351(5), ~~62-303.352(3)~~, 62-303.353(4) or 62-303.354(3), F.A.C., the Department confirms the water does not exceed an applicable numeric nutrient criterion and there is a reasonable expectation that the water will become impaired within 10 years, taking into consideration the Sen-Theil fitted line based on the annual geometric means in the assessment period and the magnitude of the applicable criterion. For lakes that do not have a site specific numeric interpretation of the narrative nutrient criterion, the applicable TN and TP nutrient criteria shall be the maximum numeric interpretation for the applicable lake color and alkalinity category.

~~1. A statistically significant (at the 95 percent confidence level) temporal trend in the annual geometric means after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, seasonality, quality assurance issues, and changes in analytical methods or method detection limits; and,~~

~~2. A reasonable expectation that the water will become impaired within 10 years, taking into consideration the current concentrations of nutrients or nutrient response variables and the slope of the trend.~~

(b) through (c) No change.

(d) A waterbody where pollution control mechanisms are in place or planned that meet the requirements of subsections 62-303.600(1) and (3), F.A.C., or that implements an existing total maximum daily load through a basin management action plan, or a Department enforcement order, except that there is uncertainty when water quality standards will be attained and the waterbody segment requires additional study;

(e) No change.

(f) For streams meeting the definition in subsection 62-302.200(36), F.A.C., that do not have a site specific numeric interpretation of the narrative nutrient criterion, there is an exceedance of the LVS floral metric, as described in the document titled "Implementation of Florida's Numeric Nutrient Standards for Streams, June 2025" (incorporated by reference in subsection 62-302.200(36), F.A.C.) but the LVS results cannot be linked to anthropogenic nutrient inputs.

(f) through (g) renumbered (g) through (h) No change.

~~(i)(h)~~ A waterbody exceeds a generally applicable criterion ~~criteria~~, but the Department receives a petition for a SSAC pursuant to Rule 62-302.800, F.A.C., and additional time is needed to review and process the petition.

(j) For streams that do not meet the definition in Rule 62-302.200, F.A.C. and that do not have a site specific numeric interpretation of the narrative nutrient criterion, the nutrient thresholds in subparagraph 62-302.531(2)(c)2., F.A.C., are exceeded based on data from the last 7.5 years or sufficient Biological Health Assessment, chlorophyll a, or other response

variable data are available to fully assess achievement of the nutrient provisions in paragraph 62-302.531(2)(c), F.A.C. are exceeded, but the Department receives a request from stakeholders for the waterbody to be excluded from the stream numeric nutrient criterion and additional time is needed to review and process the documentation.

(3) For waters placed on the Study List based on an increasing trend in nutrients or chlorophyll a pursuant to paragraph 62-303.390(2)(a), F.A.C., the Department shall notify local stakeholders about the increasing trend. A water shall be removed from the Study List upon development of a new site-specific interpretation of the narrative nutrient criteria for the waterbody that would address the trend, determination that there was a flaw in the original analysis, determination that there the trend is no longer a statistically-significant increasing trend (at the 95 percent confidence level) for the two most recent listing cycles; statistically significant, development of a restoration plan meeting the requirements of subsection 62-303.600(1), F.A.C., that would address the trend; or placement of the water on the Verified List.

(4) For waters that meet the listing requirements under paragraph 62-303.390(2)(a) 62-303.390(2)(b) or (b) (e), F.A.C. above, a stressor identification study shall be conducted to identify the causative pollutant(s) or other factor(s) responsible for nonattainment. A stressor identification study includes collection and analysis of physical, chemical, and biological data necessary to determine the causative pollutant(s) or other factor(s) causing nonattainment.

~~(5) For waters placed on the Study List pursuant to paragraph 62-303.390(2)(d), F.A.C., the Department shall evaluate progress towards attainment of water quality standards.~~

~~(5)(6)~~ For waters placed on the Study List based on exceedances of the nutrient stream thresholds pursuant to paragraph 62-303.390(2)(e), F.A.C., sufficient biological health assessments shall be collected to determine whether the stream attains the stream nutrient standard in paragraph 62-302.531(2)(c), F.A.C.

(6) For waters that fall under paragraph 62-303.390(2)(e), F.A.C., above, the Department shall conduct a site-specific assessment of the stream to determine potential causes of the nuisance macrophyte growth.

(7) For waters that fall under paragraph 62-303.390(2)(g) 62-303.390(2)(f), F.A.C., above, additional samples shall be collected to meet a minimum of 20 samples to re-assess the waterbody.

(8) For waters that fall under paragraph 62-303.390(2)(h) 62-303.390(2)(g), F.A.C., above, a bacterial source tracking study shall be conducted to evaluate whether anthropogenic sources are causing exceedances of the bacteriological criteria. The water shall be removed from the Study List if the

Department confirms the exceedances are due to non-anthropogenic sources or shall be verified as impaired if at least ten percent of the exceedances are demonstrated to be due to anthropogenic sources.

(9) No change.

(10) It is the Department's goal to collect the additional data needed for waters placed on the Study List pursuant to paragraphs 62-303.390(2)(a) and (b), and (2)(d)-(h) 62-303.390(2)(a) (e), and (2)(e) (h), F.A.C., as part of its watershed management approach, with the data collected during either the same cycle that the water is initially listed on the Study List or during the subsequent cycle. After collecting the additional data, the Department shall either list the waterbody on the Verified List or remove the waterbody from the Study List, as appropriate.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 7-2-12, Amended 2-17-16, 10-17-16, ____.

62-303.400 Methodology to Develop the Verified List.

(1) No change.

(2) Additional data and information collected after the development of the Planning and Study Lists ~~List~~ will be considered when assessing waters on the Planning and Study Lists ~~List~~, provided it meets the requirements of this chapter. In cases where additional data are needed for waters on the Planning and Study Lists ~~List~~ to meet the data sufficiency requirements for the Verified List, it is the Department's goal to collect this additional data as part of its watershed management approach, ~~with the data collected during either the same cycle that the water is initially listed on the Planning List (within 1 year) or during the subsequent cycle.~~

(3) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 2-17-16, ____.

62-303.420 Aquatic Life-Based Water Quality Criteria Assessment.

(1) The Department shall reexamine the data used in Rule 62-303.320, F.A.C., to determine whether water quality criteria are met.

(a) No change.

(b) If the Department has information suggesting that the values not meeting the dissolved oxygen (DO) criterion are due to natural background conditions, it is the Department's intent to support that conclusion through the use of Biological Health Assessment procedures referenced in Rule 62-303.330, F.A.C. The waterbody or segment shall not be included on the Verified List for DO if two or more temporally independent Biological Health Assessments indicate the waterbody supports the

protection and maintenance of a healthy, well-balanced population of fish and wildlife. The Biological Health Assessments shall be conducted either in the same waterbody segment, or for streams, in the contiguous waterbody segment downstream of the segment where the water quality samples were taken. These Biological Health Assessments shall be conducted within ~~on~~ the same assessment period as ~~day or after~~ the water quality samples were collected.

(2) through (9) No change.

(10) For predominantly marine waters, the Department shall evaluate the daily average DO criterion using Table 3 set forth in subsection 62-303.420(1), F.A.C., above, and shall also evaluate whether the seven-day and 30-day average criteria have been achieved during the assessment ~~verified~~ period. A water segment shall be placed on the Verified List for DO impairment if the number of samples below the daily average DO criterion is greater than or equal to the number listed in Table 3 for the given sample size, or if there is more than one weekly average value below the weekly average DO criterion in any twelve week period of the assessment ~~verified~~ period or more than one monthly average value below the monthly average DO criterion in any calendar year of the assessment ~~verified~~ period. ~~Prior to placing a waterbody on the Verified List, the Department shall identify the causative pollutant(s) responsible for the exceedances of the DO criteria. Before assessing the weekly and monthly average DO criterion, the DO data shall be evaluated pursuant to subsections 62-303.420(3) and (5), F.A.C.~~

(a) through (e) No change.

(11) For assessment of the DO criteria for the portions of the Suwannee, Withlacoochee (North), and Santa Fe Rivers utilized by the Gulf Sturgeon, and in the portions of the Santa Fe and New Rivers utilized by the Oval Pigtoe Mussel, waters will be placed on the Verified List when more than 50 percent of the daily average values ~~measurements~~ are below the applicable median or more than 10 percent of the daily average values are below the applicable 10th percentile values, specified in Appendix I of the "Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida's Fresh and Marine Waters, June 2025" (incorporated by reference in paragraph 62-302.533(1)(e), F.A.C.) (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02972>~~), which was incorporated by reference in subsection 62-303.320(5), F.A.C., at a minimum of a 90 percent confidence level using the binomial distribution.

(12) No change.

(13) A water segment shall be placed on the Verified List for DO impairment if there has been a statistically significant decreasing trend in DO levels or an increasing trend in the range of daily DO fluctuations over the assessment ~~verified~~ period at the 95 percent confidence level using a one-sided Seasonal

Kendall ~~Trend Test~~ ~~test for trend~~, as described in Helsel, D.R. and R.M. Hirsch, 2002, Statistical Methods in Water Resources, USGS, pages 338 through 340 (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02973>~~), which were incorporated by reference in subsection 62-303.320(14) F.A.C., after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, quality assurance issues, and changes in analytical methods. Water segments shall not be placed on the Verified List for DO impairment until the Department has identified a pollutant causing the decrease or if the decrease in DO levels was authorized under Rules ~~R~~ules 62-302.300 and 62-4.242, F.A.C.

(14) For assessment of the 30-day average total ammonia criterion, the monthly average total ammonia shall be calculated for a station using a minimum of four samples collected within the month. A water segment shall be placed on the Verified List for total ammonia impairment if a station within the segment has more than one monthly average value above the 30-day average criterion in any calendar year of the assessment ~~verified~~ period.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.021(11), 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 8-1-13, 2-17-16,_____.

62-303.430 Biological Impairment.

(1) No change.

(2) If the water met the requirements for placement on the Planning List based on Biological Health Assessment results, the water shall be determined to be biologically impaired if any of the following conditions occur, given a minimum sample size of two temporally independent bioassessments:

(a) The average score of all the SCIs is below 40, or either of the two most recent temporally independent SCI scores is less than 35. ~~If the average score is below 40, but~~ there are only two SCIs and the difference between the two scores is greater than 20 points, then an additional SCI shall be required and the average of all three scores shall be used.

(b) The average score of all the temporally independent LVIs is below 43 for a lake segment, ~~or either of the two most recent temporally independent LVI scores is less than 30. If the average score is below 43, but~~ there are only two LVIs for a lake segment and the difference between the two scores is greater than 20 points, then an additional LVI shall be required and the average of all three scores shall be used.

(c) through (d) No change.

(e) The scores ~~average score~~ of at least two temporally independent Shannon-Weaver Diversity Indices are ~~is~~ less than 75 percent of the scores ~~average score~~ from an appropriate control site, pursuant to subsection 62-302.530(10), F.A.C.

(3) through (6) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 2-17-16, ____.

62-303.450 Assessments of Numeric Interpretations of Narrative Nutrient Criterion Criteria.

(1) A stream or estuary without applicable numeric criteria in subsection 62-302.531(2), F.A.C., shall be placed on the Verified List for impairment due to nutrients if it exceeds the chlorophyll a thresholds in subsection 62-303.351(4), F.A.C., or subsection 62-303.353(2), F.A.C., more than once in any consecutive three year period, and there are sufficient data from the last 7.5 years to meet the data sufficiency requirements of subsections 62-303.350(2), (3), and (6) 62-303.350(2) (6), F.A.C. If there are insufficient data, additional data shall be collected as needed to meet the requirements. Once these additional data are collected, the Department shall determine if there is sufficient information to develop a site-specific chlorophyll a threshold that better reflects conditions beyond which an imbalance in flora or fauna occurs in the water segment. If there is sufficient information, the Department shall re-evaluate the data using the site-specific thresholds. If there is insufficient information, the Department shall re-evaluate the data using the thresholds provided in subsections 62-303.351(4) and 62-303.353(2), F.A.C., for streams and estuaries and verify impairment if there is more than one exceedance in any consecutive three year period. In any case, the Department shall limit its analysis to the use of data collected during the last 7.5 years. If alternative thresholds are used for the analysis, the Department shall provide the thresholds for the record and document how the alternative threshold better represents conditions beyond which an imbalance in flora or fauna is expected to occur.

(2) No change.

(3) If the waterbody was listed on the Planning List based on paragraphs or subsections 62-303.351(1), 62-303.352(1)(a) ~~and (4)~~, 62-303.353(1) and (5), or 62-303.354(1), F.A.C., the Department shall place the waterbody on the Verified List for exceedances of the narrative nutrient criteria in paragraph 62-302.530(48)(b) 62-302.530(47)(b), F.A.C., if the applicable numeric interpretation of the narrative nutrient criterion is exceeded based on the last 7.5 years of data.

(4) If a lake was listed on the Planning List based on paragraph 62-303.352(1)(d) subsection 62-303.352(2), F.A.C., and there are still insufficient data to determine the long-term geometric mean color or alkalinity, the Department shall place the lake on the Verified List for exceedances of the narrative nutrient criterion in paragraph 62-302.530(48)(b) 62-302.530(47)(b), F.A.C., if the annual geometric mean chlorophyll a exceeds 20 ug/L the applicable criterion for a colored lake in sub paragraph 62-302.531(2)(b)1.b., F.A.C.,

more than once in a three year period in the last 7.5 years.

(5) If the waterbody was listed on the Planning Study List for an adverse trend in nutrients or nutrient response variables pursuant to paragraph 62-303.352(1)(c), F.A.C.; or, subsection 62-303.351(5), 62-303.353(4), or 62-303.354(3) 62-303.390(2)(a), F.A.C., the Department shall place the waterbody on the Verified List if there is

statistically significant increasing trend at the 95 percent confidence level for a given nutrient or nutrient response variable using the Mann-Kendall Trend Test; and either: analyze the potential risk of nonattainment of the narrative nutrient criteria in paragraph 62-302.530(47)(b), F.A.C. This analysis shall take into consideration the current concentrations of nutrient response variables, the slope of the trend, and the potential sources of nutrients (natural and anthropogenic). If there is a reasonable expectation that the waterbody will become impaired within 5 years, the Department shall place the waterbody on the Verified List to develop a TMDL that establishes a numeric interpretation pursuant to paragraph 62-302.531(2)(a), F.A.C.

(a) There is a reasonable expectation that the water will become impaired within 4 years, taking into consideration the Sen-Theil fitted line based on the annual geometric means in the assessment period and the magnitude of the applicable criterion, or

(b) The contiguous downstream waterbody segment is impaired and either is included on the Verified List or has a total maximum daily load for a given nutrient, nutrient trend, or nutrient response variable. In cases where there is no contiguous downstream waterbody segment, the department will evaluate this subparagraph for the receiving waterbody.

(6) The thresholds for impairment due to nutrients in paragraph 62-302.531(2)(c) and subsections 62-303.351(4) and 62-303.353(2), F.A.C., are not required to be used during development of wasteload allocations or TMDLs where a site-specific interpretation of the narrative nutrient criterion in paragraph 62-302.530(48)(b) 62-302.530(47)(b), F.A.C., is established.

(7) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 8-1-13, 2-17-16, ____.

62-303.460 Primary Contact and Recreation Use Support.

(1) No change.

(2) If the water segment was listed on the Planning or Study List due to samples that do not meet water quality criteria for bacteriological quality, the Department shall, to the extent practicable practical, evaluate the source of bacteriological contamination and shall verify that the impairment is due to

chronic sources of human-induced bacteriological pollutants before verifying the water segment is impaired. The Department shall take into account the proximity of municipal stormwater outfalls, septic tanks, domestic wastewater facilities, and other anthropogenic discharges when evaluating potential sources of bacteriological pollutants. For water segments that contain municipal stormwater outfalls, the impairment documented for the segment shall be presumed to be due, at least in part, to chronic discharges of bacteriological pollutants. The Department shall then re-evaluate the data using the methodology in subsection 62-303.320(1), F.A.C., excluding any values that have been demonstrated to be elevated solely due to non-anthropogenic sources. If information is provided to the Department indicating that the exceedances may be due to natural sources but there is uncertainty whether anthropogenic sources contributed to the exceedances, the water segment shall be placed on the Study List pursuant to paragraph ~~62-303.390(2)(h)~~ 62-303.390(2)(g), F.A.C.

(3) Water segments shall be included on the Verified List if:

(a) The number of samples that exceed the applicable bacteriological water quality criteria expressed as a TPTV meets the requirements in subsection 62-303.420(6), F.A.C. Data must meet the data requirements of subsections and paragraphs 62-303.320(2), (3), ~~(4)(c)-(4)(e)~~ (4)(e)-(4)(g), (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged, or

(b) There are one or more exceedances of a bacteriological water quality criterion expressed as a monthly geometric mean during the assessment ~~verified~~ period. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), ~~(4)(c)-(4)(e)~~ (4)(e)-(4)(g), (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged. To calculate the monthly geometric means for Class I or Class I-Treated waters, there shall be at least 5 samples taken on five different days over a calendar month. For Class II, Class III, or Class III-Limited waters, there shall be at least 10 samples collected on ten different days over a calendar month. To assess the monthly data for a sampling location, there shall be at least ten samples collected within that month, with at least one sample from each full week of the month.

(4) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, 2-17-16,_____.

62-303.470 Fish and Shellfish Consumption Use Support.

(1) The Department shall review the fish consumption advisories and the data used by the DOH as the basis for the advisories and shall only use the advisories and data under this part if the following requirements are met:

(a) The advisory is based on the statistical evaluation of fish tissue data from at least ~~eight~~ twelve fish collected from the specific water segment or waterbody to be listed;

(b) through (c) No change.

(2) No change.

(3) Class II waters shall be included on the Verified List for fecal coliform if, following review of the available data as described in subsection 62-303.460(2), F.A.C.:

(a) The number of samples above 43 counts per 100 ml meet the requirement in subsection 62-303.420(6), F.A.C. Data must meet the data requirements of subsections and paragraphs 62-303.320(2), (3), ~~(4)(c)-(4)(e)~~ (4)(e)-(4)(g), (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples, or

(b) The water segment includes a sampling location that has a median fecal coliform MPN or MF value that exceeds 14 counts per 100 ml for the assessment ~~verified~~ period. To calculate a median value for a sampling location, there shall be at least 20 samples collected during the assessment ~~verified~~ period.

(4) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, 2-17-16,_____.

62-303.480 Drinking Water Use Support and Protection of Human Health.

If the water segment was listed on the Planning List due to exceedances of a human health-based water quality criterion, the Department shall re-evaluate the data using the methodology in subsections 62-303.380(1) and (3), F.A.C., and limit the analysis to data collected within 7.5 years of the time the water segment is proposed for listing on the Verified List. Data older than 7.5 years shall be used if it is demonstrated to be representative of current conditions. Any determinations to use older data shall be documented by the Department, and the documentation shall provide the basis for the decision that the data are representative of current conditions. For this analysis, the Department shall exclude any data meeting the requirements of subsection 62-303.420(5), F.A.C. The following water segments shall be listed on the Verified List:

(1) through (2) No change.

(3) For bacteriological water quality criteria, water segments shall be verified as impaired if, following review of the available data as described in subsections 62-303.460(2)

and (5), F.A.C.:

(a) The number of months that do not meet the applicable bacteriological water quality criteria expressed as a TPTV meet the requirements in subsection 62-303.420(6), F.A.C. Data must meet the data requirements of subsections and paragraphs 62-303.320(2), (3), (4)(c)-(4)(e) (4)(e) (4)(g), and (8), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged, or

(b) There are one or more exceedances of a bacteriological water quality criterion expressed as a monthly geometric mean during the assessment verified period. To assess the monthly data for a sampling location there shall be at least five samples collected within that month, with at least one sample from each full week of the month.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, 2-17-16, 10-17-16, ____.

62-303.500 Prioritization for TMDL Development.

(1) When establishing the TMDL development schedule for water segments on the Verified List of impaired waters, the Department shall prioritize impaired water segments according to the severity of the impairment and the designated uses of the segment, taking into account the most serious water quality problems; most valuable and threatened resources; and risk to human health and aquatic life. Impaired waters shall be prioritized as high, medium, or low priority. The prioritization will be used by the Department to develop a TMDL development work plan and schedule, which the Department will periodically update and notice for public comment.

(2) The following waters shall be designated high priority:

(a) Water segments where the impairment poses a threat to potable water supplies, treated potable water supplies, ~~treated potable water supplies~~, or to human health.

(b) No change.

(3) The following waters shall be designated low priority:

(a) Man-made canals, urban drainage ditches, and other artificial water segments unless the impairment poses a threat to potable water supplies, treated potable water supplies, ~~treated potable water supplies~~, or to human health.

(b) Water segments that are not designated as high priority, and the Department has concluded that local stakeholders are diligently working on a demonstration per subsections subsection 62-303.600(1), and (2), or (3), F.A.C., by the next listing cycle for the basin.

(4) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 8-1-13, 2-17-16, 10-17-16, ____.

62-303.600 Evaluation of Pollution Control Mechanisms.

(1) Upon determining that a waterbody is impaired or determining there is an increasing trend in nutrients or a nutrient response variable based on the requirements of paragraph 62-303.390(2)(a), F.A.C., subsection 62-303.450(5), F.A.C., or other scientifically credible trend tests with a reasonable expectation that the waterbody will become impaired within 5 years, the Department shall evaluate whether existing or proposed technology-based effluent limitations and other pollution control programs under local, state, or federal authority are sufficient to result in the attainment of applicable water quality standards.

(2) No change.

(3) For water segments with planned or on-going restoration activities that will address the non-attainment of water quality standards pursuant to paragraph 62-303.390(2)(d), F.A.C., stakeholders may submit information to the Department demonstrating pollutant reduction mechanisms to address the non-attainment.

(a) Progress towards implementing planned restoration activities shall be assessed by the Department during each subsequent assessment cycle, and the waterbody shall be placed on the Verified List if the Department determines that the waterbody has not demonstrated sufficient progress towards attainment of the applicable water quality standards.

(b) The Department's decision to place the waterbody on the Verified List shall be based on an evaluation of the attainment of the applicable water quality standards, water quality trends, and documentation provided by stakeholders on the status and progress of restoration activities.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Repromulgated 1-2-07, Amended 2-17-16, ____.

62-303.700 Listing Cycle.

The Department shall, to the extent practicable practical, develop basin-specific Verified Lists of impaired waters for all surface waters within an assessment as part of its watershed management approach, which rotates through the State's surface water basins on a five-year cycle. If the specific pollutant(s) or response variables contributing to the impairment in a particular water segment is not known at the time the Planning or Study List is prepared, information in the lists shall provide the basis for including the water segment on the applicable list. The pollutant and concentration(s) causing the impairment shall be identified before the water segment is included on the Verified List to be adopted by Secretarial Order. During the listing cycle, interested parties shall be provided the opportunity to work with the Department to collect and evaluate additional water quality data and provide comments to the

Department on the basin-specific lists. At any time during the listing cycle, interested parties may develop proposed water pollution control mechanisms that may affect the final Verified List adopted by the Secretary. To ensure that data or information will be considered in the ~~preliminary basin~~ assessment, it must be submitted to the Department or entered into WIN FLASTORET, or its successors, or, if applicable, the DOH database no later than June 30 60 days after the end of the verified period during the year of the assessment.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 2-17-16, ____.

62-303.720 Delisting Procedure.

(1) No change.

(2) Waterbody segments shall be removed from the State's Verified List only after adoption of a TMDL, a Department determination that pollution control programs provide reasonable assurance that water quality standards will be attained pursuant to Rule 62-303.600 F.A.C., or upon a demonstration that the waterbody meets the waterbody quality standard that was previously established as not being met.

(a) through (d) No change.

(e) For waters listed due to their shellfish bed management classification, the water shall be delisted upon reclassification of the shellfish harvesting area to approved, or for conditionally approved areas, ~~when the only source identified by SEAS for the harvesting area is wildlife.~~

(f) For waters listed due to bathing area closure or advisory data, the water shall be delisted if the bathing area does not meet the listing thresholds in subsection 62-303.360(2) 62-303.360(1), F.A.C., for five consecutive years.

(g) No change.

(h) For waters listed based on bacteriological water quality criteria expressed as a monthly geometric mean or a median pursuant to paragraph 62-303.460(3)(b), 62-303.470(3)(b), or 62-303.480(3)(b), F.A.C., the water shall be delisted when:

1. No change.

2. For listings based on bacteriological water quality criteria expressed as a median, the criteria applicable to those sections are met for the assessment verified period, or

3. No change.

(i) through (j) No change.

(k) For waters listed based on nutrient impairment, the waterbody shall be delisted if:

1. It was listed based on exceedances of a nutrient threshold in subsection 62-303.450(1), F.A.C., but it does not meet the listing thresholds in subsection 62-303.450(1), F.A.C., for the three most recent consecutive years with sufficient data, which ensures that there will be at least three consecutive 3-year periods that attain the criterion.

2. It was listed based on exceedances of a numeric nutrient criterion expressed as an annual geometric mean or annual mean not to be exceeded more than once in a three-year period, and the water attains the magnitude of the criterion for the three most recent consecutive years with sufficient data, which ensures that there will be at least three consecutive 3-year periods that attain the criterion.

3. It was listed based on other information indicating an imbalance in flora or fauna pursuant to subsection 62-303.450(2), F.A.C., and it is demonstrated to not exceed the narrative nutrient criteria at paragraph 62-302.530(48)(b) 62-302.530(47)(b), F.A.C., pursuant to the provisions of subsection 62-303.450(2), F.A.C.,

4. It was listed based on exceedances of a numeric nutrient criterion expressed as a long-term average or long-term average of annual means, and the long-term average over the assessment verified period no longer exceeds the criterion,

5. It was listed based on exceedances of a numeric nutrient criterion expressed as not to be exceeded in more than 10 percent of the measurements or expressed as a monthly average, and the water meets the delisting requirements of subparagraph 62-303.720(2)(a)1., F.A.C.,

6. It was listed based on exceedance of a loading based numeric nutrient criterion and the water attains the criterion for the three most recent consecutive years, or

7. It was listed based on paragraph 62-303.450(5)(a), F.A.C., but an increasing trend in chlorophyll a and based on additional data and analysis indicates there the trend is no longer a statistically significant increasing trend for two consecutive listing cycles. or the water is no longer expected to become impaired within 5 years.

8. It was listed based on paragraph 62-303.450(5)(b), F.A.C., for a given nutrient or nutrient response variable and the contiguous downstream waterbody segment no longer meets the listing requirements for the given nutrient or nutrients response variable.

(l) through (q) No change.

(3) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 7-2-12, 8-1-13, 2-17-16, 10-17-16, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lawrence Glenn, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alexis A. Lambert, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 17, 2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.505 Middle St. Johns River Basin TMDLs

PURPOSE AND EFFECT: The purpose of these rules is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for certain waters impaired for nutrients in the Middle St. Johns River Basin. Furthermore, in accordance with paragraph 62-302.531(2)(a), F.A.C., the nutrient TMDLs for Lake Giles will constitute site specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(48)(b), F.A.C., that will supersede the otherwise applicable numeric nutrient criteria in subsection 62-302.531(2), F.A.C., for these surface water segments.

SUMMARY: These TMDLs address certain nutrient impairments in the Middle St. Johns River Basin. Specifically, the nutrient TMDL rules being proposed for adoption are for Lake Giles (WBID 3168Z4). This waterbody was verified for nutrient impairment using the methodology established in Chapter 62-303, F.A.C. This rulemaking has been given OGC case number 25-0289.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC estimates that there will be total costs after implementation of the rules of \$369,500 per year. The majority of these costs are expected to be borne by governmental in the watershed. The SERC is accessible at: <https://floridadep.gov/dear/water-quality-evaluation-tmdl/documents/lake-giles-statement-estimated-regulatory-cost>

Pursuant to paragraph 403.067(6)(c), Florida Statutes, the proposed rules do not require legislative ratification.

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: August 18, 2025 2:00 p.m.

PLACE: Bob Martinez Center 2600 Blair Stone Road, Conference Room 609, Tallahassee, Florida

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap or marital status. Persons who require special accommodations

under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least ten (10) days before the meeting. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kevin O'Donnell, Division of Environmental Assessment and Restoration, Water Quality Evaluation and TMDL Program, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8469.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.505 Middle St. Johns River Basin TMDLs.

(1) through (27) No change.

(28) Lake Giles. The nutrient TMDLs for Lake Giles are seven-year averages of annual loads of 813 kg/yr of TN and 53 kg/yr of TP, which are intended to achieve the applicable AGM chlorophyll a criterion for low-color, low-alkalinity lakes, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable;

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 33% reduction of TN (calculated from 813 kg/yr) and a 74% reduction of TP (calculated from 53 kg/yr), based on the highest seven-year average load from the 2013 – 2022 period; and

(c) The LA for nonpoint sources is a 33% reduction of TN (calculated from 813 kg/yr) and a 74% reduction of TP (calculated from 53 kg/yr), based on the highest seven-year average load from the 2013 – 2022 period.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 8-3-06, Amended 10-15-09, 7-17-14, 10-18-17, 3-26-18, 1-30-20, 5-9-21, 11-9-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lawrence Glenn, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alexis A. Lambert, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 16, 2024

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.053 District Comprehensive Evidence-Based Reading Plan

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. 51 No. 111, June 9, 2025 issue of the Florida Administrative Register.

In response to public comment the rule is amended as follows:

6A-6.053 District Comprehensive Evidence-Based Reading Plan.

(1) through (8) No change.

(9) CERP Submission, Approval, and Evaluation by the Department.

(a) No change.

(b) CERP Requirements. The CERP must demonstrate that the district is able to implement its reading plan with fidelity, that the plan uses data to drive decision-making, that the plan is designed to meet the needs of all students, and that the plan allocates sufficient resources toward each component. In order to be approved, CERPs must comply with the requirements found in subsections (3)-(8) and paragraph (10)(a) and must contain the following:

1. through 2. No change.

3. Descriptions of:

a. through o. No change.

p. How the district will provide resources that support informed parent involvement in decision-making processes for students who have difficulty in reading and information about eligibility for the New Worlds Reading Initiative under s. 1003.485, F.S., for parents of students who are reading below grade level;

~~q.p.~~ How the district will provide the required notifications to parents of students identified with a substantial deficiency in reading, including a description of any literacy partnerships or programs the district utilizes to increase support for families to engage in reading at home, ~~such as the New Worlds Reading Initiative pursuant to s. 1003.485, F.S.; and~~

~~r.q.~~ No change.

4. No change.

(c) No change.

(10) through (11) No change.

Section IV

Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On June 5, 2025 the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Castillo Multiservicios LLC., located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 51/110 on June 6, 2025. The Order for this Petition was signed and approved on June 25, 2025. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

The Board of Cosmetology hereby gives notice: that on June 12, 2025, an Order was filed on the Petition for Variance or Waiver. The Petition was filed by Angela Marie Hutchison, Petitioner. The Petitioner sought a variance or waiver from Rule 61G5-29.011, Florida Administrative Code, regarding an Endorsement of Specialty Registration. Petitioner sought a permanent variance or waiver to obtain a Nail Specialist/Manicurist license in the state of Florida without submitting a certificate of completion from PJ's school of cosmetology in Greenfield, Indiana.

The Notice of Petition for Variance or Waiver was published in Vol. 50, No. 197, on October 8, 2024, in the Florida Administrative Register. The Board, at its duly noticed meeting held on December 9, 2024, granted the Petition for Variance or Waiver, finding that Petitioner has demonstrated completion of the statutorily required training by other means. With the documentation supplied by Petitioner, the Board finds that Petitioner has achieved the purpose of the underlying statute, that is, completion of the required training courses. The Board further finds that application of the rule to the specific facts and circumstances outlined by Petitioner would impose a substantial hardship on Petitioner, and would violate the principles of fairness.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-3.002 Qualifications for Examination

NOTICE IS HEREBY GIVEN that on June 26, 2025, the Board of Nursing, received a petition for variance or waiver filed by Kayla Lynn Fisher. Petitioner is seeking a variance or waiver from subsection 64B9-3.002(3), F.A.C., which states in part, for an applicant writing the examination for practical nurses on the basis of practical nursing education equivalency, a completed Practical Nurse Equivalence (PNEQ) Application Letter or an official certified transcript which sets forth graduation from an approved professional program is required.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Amanda Gray, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee,

Florida 32399-3252; MQA.Nursing@flhealth.gov. Comments on this petition should be filed with the Board of Nursing within 14 days of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-22.001 General Requirements

The Department of Children and Families hereby gives notice: On June 24, 2025, the Department issued an Order Granting Waiver to Imagination Island of Fleming Island. The petition filed on March 31, 2025, sought a variance from 3.5 F. of the Child Care Facility Handbook, incorporated by reference in rule 65C-22.001(6), Florida Administrative Code, which requires outside play area fencing to be continuous with gaps not exceeding 3 ½ inches. The waiver allows Petitioner to maintain its current fencing with gaps not exceeding 4 inches. The Notice of Petition for Waiver was published April 7, 2025, in Volume 51, Number 67 of the Florida Administrative Register. No comments were received.

A copy of the Order or additional information may be obtained by contacting:

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

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.007 Standards for Residential Treatment

The Department of Children and Families hereby gives notice: On June 4, 2025, the Department issued an Order Granting Variance to Cove Behavioral Health. The petition filed on April 3, 2025, sought a variance to increase the authorized caseload of primary counselors at its residential treatment facility from 15 participating individuals to a maximum of 20. The Notice of Petition for Variance was published April 11, 2025, in Volume 51, Number 71 of the Florida Administrative Register. No comments were received.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.Clerk@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.0142 Clinical and Operational Standards for Medication-Assisted Treatment for Opioid Use Disorders

The Department of Children and Families hereby gives notice: On June 4, 2025, the Department issued an order granting variance to Metro Treatment of Florida. The petition filed on

March 26, 2025, sought a waiver from subparagraph 65D-30.0142(1)(e)5., Florida Administrative Code, which requires the initial assessment for methadone medication-assisted treatment to be conducted in person. The Notice of Petition for Waiver was published April 7, 2025, in Volume 51, Number 67 of the Florida Administrative Register. No comments were received.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.Clerk@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES**Substance Abuse Program****RULE NO.: RULE TITLE:****65D-30.0046 Staff Training, Qualifications, and Scope of Practice**

The Department of Children and Families hereby gives notice: On June 24, 2025, the Department issued an order denying waiver to Praesum Healthcare Services LLC. The petition filed on March 27, 2025, sought a waiver on behalf of Tanya Foster, from subsection 65D-30.0046(4), Florida Administrative Code, which requires bachelor's or master's degree level clinical staff to hold a degree with a major in a human services-related field. The Notice of Petition for Waiver was published April 7, 2025, in Volume 51, Number 67 of the Florida Administrative Register. No comments were received.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.Clerk@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES**Substance Abuse Program****RULE NO.: RULE TITLE:****65D-30.0046 Staff Training, Qualifications, and Scope of Practice**

The Department of Children and Families hereby gives notice: On June 24, 2025, the Department issued an order denying waiver to Praesum Healthcare Services LLC. The petition filed on March 27, 2025, sought a waiver on behalf of Michelle Slocum, from subsection 65D-30.0046(4), Florida Administrative Code, which requires bachelor's or master's degree level clinical staff to hold a degree with a major in a human services-related field. The Notice of Petition for Waiver was published April 7, 2025, in Volume 51, Number 67 of the Florida Administrative Register. No comments were received.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.Clerk@myflfamilies.com.

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 June 26, 2025, the Florida Housing Finance Corporation issued an order granting in part and denying in part the waiver from paragraph 67-48.0072(21)(b), Florida Administrative Code (2022) for Miami Beach Housing Initiatives, Inc., (Eleven44) as follows:

(1) The Petitioner's firm loan commitment deadline is extended from June 13, 2025, to September 19, 2025.

(2) The Principals of the Petitioner's Applicant and Developer entities will not be awarded any competitive funding from the Corporation until Petitioner either closes on the SAIL, HOME-ARP, and NHTF funding sources or returns the funding to the Corporation.

(3) The Petitioner must provide bi-weekly written updates to Florida Housing staff and its assigned credit underwriter outlining progress made towards moving the Development forward toward closing.

(4) Petitioner must appear before the Board at its September 19, 2025, meeting to provide a comprehensive update on the Development's progress toward closing. To the extent Petitioner seeks an extension beyond that date, it must file a new petition for waiver under section 120.542, F.S., in sufficient time to allow for consideration at the September 19, 2025, Board meeting.

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 May 28, 2025, and notice of the receipt of petition was published on May 29, 2025, in Vol. 51, Number 104 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 June 26, 2025, the Florida Housing Finance Corporation issued an order granting in part and denying in part the waiver from subsection 67-48.0072(26), Florida Administrative Code (2019) for Miami Beach Housing Initiatives, Inc., (The Heron) as follows:

(1) The Petitioner's SAIL/ELI loan closing deadline is extended from June 13, 2025, to September 19, 2025.

(2) The Principals of the Petitioner's Applicant and Developer entities will not be awarded any competitive funding from the Corporation until Petitioner closes on the SAIL/ELI and

CHIRP/HOME-ARP funding sources or returns the funding to the Corporation.

(3) The Petitioner must provide bi-weekly written updates to Florida Housing staff and its assigned credit underwriter outlining progress made towards moving the Development forward toward closing.

(4) Petitioner must appear before the Board at its September 19, 2025, meeting to provide a comprehensive update on the Development's progress toward closing. To the extent Petitioner seeks an extension beyond that date, it must file a new petition for waiver under section 120.542, F.S., in sufficient time to allow for consideration at the September 19, 2025, Board meeting.

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 May 28, 2025, and notice of the receipt of petition was published on May 29, 2025, in Vol. 51, Number 104 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

COMMISSION ON ETHICS

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

DATE AND TIME: Monday, July 7, 2025, 3:30 p.m.

PLACE: The Florida Commission on Ethics, 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 32303, or join the meeting Via Zoom at the following:
<https://us06web.zoom.us/j/84133744454>

Passcode: 166802

Phone one-tap:

+13052241968,,84133744454#,,,,*166802# US

+13092053325,,84133744454#,,,,*166802# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1(305)224-1968 US

+1(309)205-3325 US

+1(312)626-6799 US (Chicago)

+1(646)931-3860 US

+1(929)436-2866 US (New York)

+1(301)715-8592 US (Washington DC)

+1(719)359-4580 US

+1(253)205-0468 US

+1(253)215-8782 US (Tacoma)

+1(346)248-7799 US (Houston)

+1(360)209-5623 US

+1(386)347-5053 US

+1(507)473-4847 US

+1(564)217-2000 US

+1(669)444-9171 US

+1(669)900-6833 US (San Jose)

+1(689)278-1000 US

Webinar ID: 841 3374 4454

Passcode: 166802

International numbers available:

<https://us06web.zoom.us/j/kevIEhsAH5>

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Consideration of Financial Disclosure Appeal FD 22-064, In re Jeremy McBride and Discussion of Remote Attendance to in-person Commission Meetings by Members. The public will be able to comment pursuant to Section 286.0114, Florida Statutes. If a member of the public wishes to comment during the meeting, and if they are joining the meeting remotely via Zoom, it is requested that they be in a quiet space where there will be no unnecessary noise. If a member of the public wishes to make a written comment prior to the meeting, he or she should send their comments by email to PublicComment@leg.state.fl.us, by U.S. Mail to the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317, or by delivery to the Florida Commission on Ethics, 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 32303. Comments received on or before the close of business on July 1, 2025, will be provided to members of the Commission prior to the meeting.

A copy of the agenda may be obtained by contacting: www.ethics.state.fl.us or (850)488-7864

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: Steven J. Zuilkowski, General Counsel, Florida Commission on Ethics Steven.Zuilkowski@leg.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: Steven J. Zuilkowski, General Counsel, Florida Commission on Ethics Steven.Zuilkowski@leg.state.fl.us

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tues., July 8, 2025, 10:00 a.m.

PLACE: This is a meeting conducted by means of communications media technology (CMT) via Microsoft Teams. The link is available at <https://www.swfwmd.state.fl.us/about/calendar/environmental-advisory-committee-07/08/2025>. An additional telephone connection is available at (786)749-6127 conference code 445-964-099#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environmental Advisory Committee Meeting. To discuss committee business. Additional instructions regarding viewing of and participation in the meeting are available at WaterMatters.org or by calling 1(800)423-1476 (FL only) or (352)796-7211 and requesting assistance. One or more Governing Board members may attend and participate in the meeting via CMT.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office Chief at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352)796-7211 or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Barbara.Matrone@WaterMatters.org; (352)325-5772

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority
The Tampa Bay Water, A Regional Water Supply Authority, announces a public meeting to which all persons are invited.

DATE AND TIME: July 15, 2025 (EDT) 9:00 a.m. - 12:00 noon, or until completion.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for Audio Visual System Upgrade-Clearwater Boardroom, Contract No. 2025053. As a part of the selection process, if interviews are deemed necessary, the Selection Committee will hear presentations and conduct interviews with short-listed firms in

order to determine the highest ranking firm to recommend for award.

A copy of the agenda may be obtained by contacting: Records Department at (727)796-2355.

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: Records Department at (727)796-2355. 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: Records Department at (727)796-2355.

DEPARTMENT OF MANAGEMENT SERVICES

Florida Digital Service

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

DATE AND TIME: July 7, 2025, 11:00 a.m. – 12:00 noon, ET

PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Cybersecurity Advisory Council Recover Work Group announces its agenda to include cybersecurity reports and recommendations. The public may participate by phone by dialing: United States (toll free) 1(305)224-1968; Phone Conference ID: (274)310-3408.

A copy of the agenda may be obtained by contacting:

https://www.dms.myflorida.com/other_programs/cybersecurity_advisory_council

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: Candace.Wynn@digital.fl.gov or (850)766-0270. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Florida Digital Service

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

DATE AND TIME: July 8, 2025, 3:00 p.m. – 4:00 p.m., ET

PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Cybersecurity Advisory Council Protect Work Group announces its agenda to include cybersecurity reports and recommendations. The public may participate by phone by dialing: United States (toll free) 1(305)224-1968; Phone

Conference ID: 274 310 3408.

A copy of the agenda may be obtained by contacting:

https://www.dms.myflorida.com/other_programs/cybersecurity_advisory_council

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: Candace.Wynn@digital.fl.gov or (850)766-0270. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Florida Digital Service

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

DATE AND TIME: July 9, 2025, 11:00 a.m. – 12:00 noon, ET
PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Cybersecurity Advisory Council Respond Work Group announces its agenda to include cybersecurity reports and recommendations. The public may participate by phone by dialing; United States (toll free) 1(305)224-1968; Phone Conference ID: 274 310 3408.

A copy of the agenda may be obtained by contacting:

https://www.dms.myflorida.com/other_programs/cybersecurity_advisory_council

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: Candace.Wynn@digital.fl.gov or (850)766-0270. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Florida Digital Service

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

DATE AND TIME: July 9, 2025, 1:00 p.m. – 2:00 p.m., ET
PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Cybersecurity Advisory Council Identify Work Group announces its agenda to include cybersecurity reports and recommendations. The public may participate by phone by dialing; United States (toll free) 1(305)224-1968; Phone Conference ID: 274 310 3408.

A copy of the agenda may be obtained by contacting:

https://www.dms.myflorida.com/other_programs/cybersecurity_advisory_council

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: Candace.Wynn@digital.fl.gov or (850)766-0270. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Florida Digital Service

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

DATE AND TIME: July 10, 2025, 3:00 p.m. – 4:00 p.m., ET
PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Cybersecurity Advisory Council Govern Work Group announces its agenda to include cybersecurity reports and recommendations. The public may participate by phone by dialing; United States (toll free) 1(305)224-1968; Phone Conference ID: 274 310 3408.

A copy of the agenda may be obtained by contacting:

https://www.dms.myflorida.com/other_programs/cybersecurity_advisory_council

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: Candace.Wynn@digital.fl.gov or (850)766-0270. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Florida Digital Service

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

DATE AND TIME: July 14, 2025, 2:00 p.m. – 3:00 p.m., ET
PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Cybersecurity Advisory Council Detect Work Group announces its agenda to include cybersecurity reports and recommendations. The public may participate by phone by dialing; United States (toll free) 1(305)224-1968; Phone Conference ID: 274 310 3408.

A copy of the agenda may be obtained by contacting:

https://www.dms.myflorida.com/other_programs/cybersecurity_advisory_council

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: Candace.Wynn@digital.fl.gov or (850)766-0270. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

The Florida Greenways and Trails Council, in coordination with the Florida Greenways and Trails Foundation, announces a public meeting to which all persons are invited.

DATES AND TIMES: July 10, 2025, 1:00 p.m.; July 11, 2025, 8:00 a.m.

PLACES: July 10: Room 3024, Seminole County Services Building, 1101 E First St., Sanford, FL 32771; July 11: Commission Chambers, Seminole County Service Building, 1101 E First St., Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Greenways and Trails Foundation will hold its quarterly Board of Directors meeting to get updates on progress with the trail program in Central Florida, discuss the Lake-to-Lake Regional Trail, discuss other business matters pertaining to the operation of the Foundation, and related matters. There will be an opportunity for public comments at both sessions.

One or more members of the Florida Greenways and Trails Council may attend this meeting and may discuss matters which may foreseeably come before the Florida Greenways and Trails Council. No Florida Greenways and Trails Council action will be taken.

A copy of the agenda may be obtained by contacting: Steven Carter, Office of Greenways and Trails, Division of Recreation and Parks, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000, Steven.Carter@FloridaDEP.gov, (850)245-3069. Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least forty-eight (48) hours before the meeting. If you have hearing or speech impairment, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Medicine

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

DATE AND TIME: Friday, August 8, 2025, 8:00 a.m., ET, or soon thereafter.

PLACE: The Westshore Grand, A Tribute Portfolio Hotel, Tampa, 4860 West Kennedy Blvd., Tampa, FL 33609, Phone:

(813)286-4400 The Westshore Grand, a Tribute Portfolio Hotel, Tampa - Near TPA

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General business of the Board. Please check the Board's website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: the Board by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board at (850)245-4131.

DEPARTMENT OF CHILDREN AND FAMILIES

Critical Incident Rapid Response Team

The Department of Children and Families - Office of Quality and Innovation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 17, 2025, 9:00 a.m. - 12:00 noon

PLACE: In-Person: DCF Centre of Tallahassee, 2415 North Monroe St., Tallahassee, FL 32303, Suite 400: Room-Auditorium C100

Virtual:

Microsoft Teams

Join the meeting now

Meeting ID: 216 102 908 633

Passcode: gdT9ZB

Join on a video conferencing device

Tenant key: 929981474@t.plcm.vc

Video ID: 114 579 889 0

GENERAL SUBJECT MATTER TO BE CONSIDERED:

CIRRT Advisory Committee Meeting

A copy of the agenda may be obtained by contacting: Lisa Rivera at Lisa.Rivera@myflfamilies.com or (850)294-4765.

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: Lisa Rivera at Lisa.Rivera@myflfamilies.com or (850)294-4765. 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: Lisa Rivera at Lisa.Rivera@myflfamilies.com or (850)294-4765.

BOARD OF GOVERNORS

The Florida Board of Governors of the State University System announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 11, 2025, 2:30 p.m., EST

PLACE: Via zoom. The Zoom link will be available at <https://www.flbog.edu/board/upcoming-meeting/>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors and its committees will meet to conduct regular business of the Board.

A copy of the agenda may be obtained by contacting: Rachel Kamoutsas, Corporate Secretary, Board of Governors, at 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, at (850)245-0466, or corporatesecretary@flbog.edu, and a copy of the agenda will be available at: <https://www.flbog.edu/board/upcoming-meeting/>.

Instructions for public comment will be available at: <https://www.flbog.edu/board/procedures/>

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: Rachel Kamoutsas, Corporate Secretary, Board of Governors, at 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, at (850)245-0466, or corporatesecretary@flbog.edu. 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, Corporate Secretary, Board of Governors, at 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, at (850)245-0466, or corporatesecretary@flbog.edu.

AREA AGENCY ON AGING OF PALM BEACH/TREASURE COAST, INC.

The Area Agency on Aging of Palm Beach/Treasure Coast, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 15, 2025, 8:30 a.m.

PLACE: 4400 N. Congress Avenue, West Palm Beach, FL 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Council Executive Committee will discuss general business.

A copy of the agenda may be obtained by contacting: Lee Hardy at (561)684-5885, lhardy@aaapbtc.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 3 days before the workshop/meeting by contacting: Lee Hardy at (561)684-5885, lhardy@aaapbtc.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: Lee Hardy at (561)684-5885, lhardy@aaapbtc.org

FLORIDA DEVELOPMENT FINANCE CORPORATION

The Board of Directors for the Florida Development Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 16, 2025, 2:00 p.m., EST

PLACE: Florida Development Finance Corporation, 156 Tuskawilla Road, Suite 2340, Winter Springs, FL 32708

- OR -

Via

Zoom:

<https://us06web.zoom.us/j/83201975035?pwd=SaZK6E08CswrOYW6ocCB2iHxqHgZWb.1>

Meeting ID: 832 0197 5035

Passcode: 811193

- OR -

Via Telephone:

Dial-In Number: 1(646)558-8656

Meeting ID: 832 0197 5035

Passcode: 811193

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss the following:

- Minutes: 6/4/25
- Palm Beach North Athletic Foundation, Inc. – Request to proceed with TEFRA approval process
- Four Apopka LLC - Request to proceed with TEFRA approval process
- Budget FY25-26
- Q4 FY24-25 Post-Sale Analysis Reports – Traditional Bonds
- Executive Director Report
- Q4 FY24-25 Post-Sale Analysis Reports – C-PACE Bonds

A copy of the agenda may be obtained by contacting: Jennifer Jenkins, Sr. Director, Administration, (407)712-6351

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

participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Jennifer Jenkins, Sr. Director, Administration, (407)712-6351. 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: Jennifer Jenkins, Sr. Director, Administration, (407)712-6351.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Kerry Odom, Petitioner, on May 28, 2024. The following is a summary of the agency's disposition of the petition:

Petitioner asked the Board, “(1) If an individual meets with a local building official and verbally answers questions on the knowledge of the construction trade and obtains a letter of competency from that building official receiving a competency letter in a specified field. The individual then files the letter of competency obtained along with the CILB and other required documents. Once filed and approved, the contractor receives a Registered License from the CILB is the actions by the building official and the contractor meet the requirements of the CILB for legal legitimate licensing? (2) Must a written examination be required by the CILB to obtain a registered license from the CILB? (3) If an individual obtained a registered license in the aforementioned manner, has he broken any laws under Section 489, F.S. or obtained the license illegally? If not, would they be considered a legal licensed registered contractor as long as they obtain all necessary permits required for each project that they do within their license scope? The Notice of Petition for Declaratory Statement was published in Vol. 50, No. 117, on June 14, 2024, in the Florida Administrative Register. The Boards Order was filed on August 15, 2024. The Board, at its meeting held on July 12, 2024, denied the Petition for Declaratory Statement, finding that the Petition submitted does

not provide sufficient information to determine if the Petitioner has standing to bring the present Petition. Accordingly, the Board determined that the Petitioner does not meet the definition of a “substantially affected person,” as required by section 120.545(1), F.S., and therefore lacks standing to bring this petition.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Amanda Ackermann, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Amanda.Ackermann@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

NOTICE IS HEREBY GIVEN that the Florida Real Estate Commission has received the petition for declaratory statement from Luis Perez, filed on May 23, 2025, and assigned No. DS 2025-016. The petition seeks the agency's opinion as to the applicability of (Petitioner did not cite a rule or statute), as it applies to the petitioner.

Petitioner seeks clarification from the Commission regarding whether under statute, if a property management company that doesn't handle any leasing, sales, or rent collection (unless it is permitted), can stay under the supervision of the broker? Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Giuvanna Corona, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, FL 32801, Giuvanna.Corona@myfloridalicense.com

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal (Department) has declined to rule on the petition for declaratory statement filed by Tammy Zurla on June 25, 2025. The following is a summary of the agency's declination of the petition:

the Department of Financial Services, Division of State Fire Marshal (Department), received a WITHDRAWAL from the Petition for Declaratory Statement from Tammy Zurla, on June 25, 2025. The State has therefore declined to rule on the petition due to the withdrawal.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Sarah Marcos - Sarah.Marcos@myfloridacfo.com

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

University of West Florida

CALL FOR BIDS

Campus Electrical Contractor

24ITB-10BBH

The University of West Florida Board of Trustees invites qualified contractors to respond to a formal solicitation, the execution of small electrical projects at the University of West Florida Pensacola Main Campus (Lot 1) and Ft. Walton Emerald Coast campus (Lot 2), and UWF Historic Trust Properties in downtown Pensacola (Lot 3). The intent of this contract is to establish a pool of Electrical Contractors to be utilized on an "as needed, per job" basis.

Solicitation documents, and all related information, may be downloaded from BidNet Direct at www.bidnetdirect.com/florida/university-of-west-florida.

Mandatory Pre-Submittal Meeting – An authorized representative of the responding contractor interested in submitting a response on this work must attend the Pre-Submittal Conference on Thursday, July 17, 2025 in UWF Building 92, Room 110 at 10:00 a.m., CT on the University Main Campus, 11000 University Parkway, Pensacola, Florida, for the purpose of considering questions posed by respondents for interested parties.

A link to the UWF Map indicating the location of UWF Building 92 can be found at the following link: <https://map.uwf.edu/?id=1250#!ct/41018,33038?m/362270>.

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

Submittals will be received through BidNet Direct until Wednesday, August 13, 2025 at 10:00 a.m. Central Time.

All inquiries should be submitted through BidNet Direct. If you have questions, need help registering, accessing, viewing or submitting your response/proposal please call the following toll-free number: 1(800)835-4603 and select Option 2 for assistance.

BARR AND BARR

UF Communicore 3rd Floor Renovation

Barr & Barr, Inc. is seeking qualified bids for the University of Florida Communicore 3rd Floor Renovation project. The project is located at 1249 Center Drive, Gainesville, FL 32610 and includes interior renovation scope of work including abatement, selective demolition, drywall, framing, interior glazing, fire protection, plumbing, mechanical, and electrical scopes. The virtual nonmandatory project meeting is June 19, 2025. Bids are due August 1, 2025. For bidders instructions and more information, contact Lauren Bird at lbird@barrandbarr.com.

PASCO COUNTY BOARD OF COUNTY COMMISSIONERS

IFB-KM-25-123 Griffin Park Flood Abatement Project

IFB-KM-25-123 Griffin Park Flood Abatement Project. Questions Deadline: July 10, 2025, at 1:30 p.m., ET. Bid Submissions Due: July 29, 2025, at 1:30 p.m., ET. All questions and bids MUST be submitted online by visiting <https://pascocountyfl.bonfirehub.com/opportunities/191928>

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, June 20, 2025, and 3:00 p.m., Thursday, June 26, 2025.

Rule No.	File Date	Effective Date
1A-39.001	6/26/2025	7/16/2025
5J-15.001	6/24/2025	7/14/2025
5J-15.002	6/24/2025	7/14/2025
64B16-26.2031	6/24/2025	7/14/2025
64B20-4.002	6/26/2025	7/16/2025
64B20-8.009	6/26/2025	7/16/2025
64B32-2.001	6/26/2025	7/16/2025
65K-1.001	6/26/2025	7/16/2025
65K-1.002	6/26/2025	7/16/2025
65K-1.003	6/26/2025	7/16/2025
65K-1.004	6/26/2025	7/16/2025
65K-1.005	6/26/2025	7/16/2025
65K-1.006	6/26/2025	7/16/2025
65K-1.007	6/26/2025	7/16/2025
65K-1.008	6/26/2025	7/16/2025
65K-1.009	6/26/2025	7/16/2025
65K-1.010	6/26/2025	7/16/2025
65K-1.011	6/26/2025	7/16/2025
65K-1.012	6/26/2025	7/16/2025
65K-1.013	6/26/2025	7/16/2025
67-21.001	6/20/2025	7/10/2025
67-21.0025	6/20/2025	7/10/2025
67-21.003	6/20/2025	7/10/2025
67-21.004	6/20/2025	7/10/2025
67-21.0045	6/20/2025	7/10/2025
67-21.006	6/20/2025	7/10/2025
67-21.007	6/20/2025	7/10/2025
67-21.008	6/20/2025	7/10/2025
67-21.009	6/20/2025	7/10/2025
67-21.010	6/20/2025	7/10/2025
67-21.013	6/20/2025	7/10/2025

67-21.014	6/20/2025	7/10/2025
67-21.015	6/20/2025	7/10/2025
67-21.017	6/20/2025	7/10/2025
67-21.018	6/20/2025	7/10/2025
67-21.019	6/20/2025	7/10/2025
67-21.025	6/20/2025	7/10/2025
67-21.026	6/20/2025	7/10/2025
67-21.027	6/20/2025	7/10/2025
67-21.028	6/20/2025	7/10/2025
67-21.029	6/20/2025	7/10/2025
67-21.030	6/20/2025	7/10/2025
67-21.031	6/20/2025	7/10/2025
68A-13.003	6/20/2025	7/10/2025
67-48.001	6/20/2025	7/10/2025
67-48.004	6/20/2025	7/10/2025
67-48.007	6/20/2025	7/10/2025
67-48.0072	6/20/2025	7/10/2025
67-48.0075	6/20/2025	7/10/2025
67-48.009	6/20/2025	7/10/2025
67-48.0095	6/20/2025	7/10/2025
67-48.010	6/20/2025	7/10/2025
67-48.0105	6/20/2025	7/10/2025
67-48.013	6/20/2025	7/10/2025
67-48.014	6/20/2025	7/10/2025
67-48.015	6/20/2025	7/10/2025
67-48.017	6/20/2025	7/10/2025
67-48.018	6/20/2025	7/10/2025
67-48.019	6/20/2025	7/10/2025
67-48.020	6/20/2025	7/10/2025
67-48.0205	6/20/2025	7/10/2025
67-48.022	6/20/2025	7/10/2025
67-48.023	6/20/2025	7/10/2025
67-48.027	6/20/2025	7/10/2025
67-48.028	6/20/2025	7/10/2025
67-48.029	6/20/2025	7/10/2025
67-48.030	6/20/2025	7/10/2025
67-48.031	6/20/2025	7/10/2025

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

Rule No.	File Date	Effective Date
14-10.0043	4/11/2025	**/**/****

60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

Interest Rate Set Pursuant to Section 55.03, Florida Statutes

RULE NO.: RULE TITLE:

69I-25.003 Requirements (Repealed)

DEPARTMENT OF FINANCIAL SERVICES

INTEREST RATE SET PURSUANT TO SECTION 55.03,
FLORIDA STATUTES

Chapter 2011-169, Laws of Florida, amended Section 55.03(1), Florida Statutes (F.S), to require the Chief Financial Officer to set the rate of interest that shall be payable on judgments. and decrees on a quarterly basis rather than an annual basis. The interest rate for the quarter beginning July 1, 2025 has been set at 8.90 percent per annum or a daily rate of .0243836 percent (.000243836 expressed as a decimal). Current and historical interest rates are available on the following website:

<https://www.myfloridacfo.com/division/aa/local-governments/judgement-interest-rates>

Please contact the Vendor Ombudsman Section at (850)413-5516 if you have any questions.

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.
