

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-4.001 Trainee Registration

PURPOSE AND EFFECT: The Board proposes an amendment to the rule which directs applicants to the revised application for trainee registration which incorporates the statutory requirement that applicants submit to electronic fingerprinting. SUBJECT AREA TO BE ADDRESSED: To clarify the application for trainee registration.

RULEMAKING AUTHORITY: 456.013, 456.0135, 483.805(4), 483.811(2), 483.815 FS.

LAW IMPLEMENTED: 456.013, 456.0135, 456.0635, 483.809(3), 483.811(2), (3), 483.815 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dayle Mooney, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C-07, Tallahassee, Florida 32399-3258, (850)488-0595, or by email: Dayle.Mooney@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.009 Endorsement

PURPOSE AND EFFECT: The Board proposes an amendment to the rule which directs applicants to the revised application by endorsement which incorporates the statutory requirement that applicants submit to electronic fingerprinting.

SUBJECT AREA TO BE ADDRESSED: To clarify the application for endorsements.

RULEMAKING AUTHORITY: 456.0135, 456.0145, 456.025, 483.805(4) FS.

LAW IMPLEMENTED: 456.0135, 456.0145 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN

THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dayle Mooney, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C-07, Tallahassee, Florida 32399-3258, (850)488-0595, or by email: Dayle.Mooney@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-6.001 Manner of Application

PURPOSE AND EFFECT: The Board proposes an amendment to the rule which directs applicants to the revised application for Director, Supervisor, Technologist, or Technician, which incorporates the statutory requirement that applicants submit to electronic fingerprinting.

SUBJECT AREA TO BE ADDRESSED: To clarify the application for manner of application.

RULEMAKING AUTHORITY: 456.013, 456.0135, 456.0635, 483.805(4), 483.807 FS.

LAW IMPLEMENTED: 381.0034(3), 456.013, 456.0135, 456.022, 456.033, 456.0635, 483.807, 483.815, 483.823, 483.824 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dayle Mooney, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C-07, Tallahassee, Florida 32399-3258, (850)488-0595, or by email: Dayle.Mooney@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: RULE TITLES:

64B16-26.1021 Delinquent License Reversion;
Reinstatement; Fees

64B16-26.203 Pharmacist Licensure by Examination (U.S.
Graduates); Application

64B16-26.204 Pharmacist Licensure and Pharmacist Technician Registration by Endorsement; Application

64B16-26.300 Consultant Pharmacist Licensure

64B16-26.303 Nuclear Pharmacist Licensure

PURPOSE AND EFFECT: For Rule 64B16-26.1021, F.A.C., the Board proposes the rule amendment to clarify a type of fee listed in the rule. For Rules 64B16-26.203 and 64B16-26.204, F.A.C., the Board proposes the rule amendments to incorporate the revised form due to statutory changes and for clarification. For Rules 64B16-26.300, and 64B16-26.303, F.A.C., the Board proposes the rule amendments to incorporate the revised forms for clarification.

SUBJECT AREA TO BE ADDRESSED: Delinquent License Reversion; Reinstatement; Fees. Pharmacist Licensure by Examination (U.S. Graduates); Application. Pharmacist Licensure and Pharmacist Technician Registration by Endorsement; Application. Consultant Pharmacist Licensure. Nuclear Pharmacist Licensure.

RULEMAKING AUTHORITY: 456.036, 465.005, 465.012, 456.013(1), 456.013, 456.0145, 465.0075, 465.0125 465.0126 FS.

LAW IMPLEMENTED: 456.036, 465.012, 456.013(1), 456.025(3), 465.007, 456.013(2), 456.0145, 465.0075, 456.013, 465.0125, 465.0126 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Traci Zeh, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258 or by email at info@Floridapharmacy.gov.

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

Section II Proposed Rules

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-1.001 Showing of Interest

PURPOSE AND EFFECT: The Commission proposes to amend Rule 60CC-1.001 related to showing of interest statements to provide more uniformity and efficiency in processing representation petitions filed by unions.

SUMMARY: The rule regarding showing of interest is being amended to provide additional clarity on how showing of interest statements are prepared and filed with the Commission. The amendments codify requirement that the statements include a written signature, date, and that they must be written in English, but can include translations into other languages. The cards must be filed under seal and will not be returned. They must be organized in alphabetical order and be accompanied by a corresponding list of names of the individuals that have signed cards. The amended rule also codifies Commission case precedent on the procedure for its administrative review and challenges to the showing of interest.

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: PERC staff determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary because any costs associated with complying with the amended rule were negligible. The amendments will not require ratification by the Legislature. No person or interested party has submitted additional information regarding the economic impact at this time.

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

RULEMAKING AUTHORITY: 447.207(1), F.S.

LAW IMPLEMENTED: 447.207(5), F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Melnicoff, Rules Attorney, 4708 Capital Circle NW, Suite 32303-7256, (850)488-8641 or by electronic mail – percrulesclerk@perc.fl.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

60CC-1.001 Showing of Interest.

(1) A "Showing of Interest" shall consist of original statements ~~on in the form of petitions or~~ individual signature cards. Such statements shall contain the legibly printed name of

the employee who is in the appropriate bargaining unit in which an election is sought and be personally signed and personally dated by that employee. The statement ~~the employees and~~ must expressly authorize the petitioning employee organization to represent such employees for the purpose of collective bargaining or shall state that the employees no longer desire to be represented by the certified bargaining agent. The term "Signed" as used herein includes any symbol executed or adopted by an employee with present intention to authenticate; provided, however, that statements signed with an "x" must be witnessed.

(2) The statement must be in English, although translations in other languages are permitted on the signature card. ~~The signed statements shall be filed with the Commission only and will not be returned after filing. The sufficiency of the offered showing of interest shall be determined administratively.~~

(3) Any signature card that is undated or does not include the month, date, and year of the signature shall be deemed invalid for the purpose of calculating the requisite percentage.

(4) The showing of interest shall be filed under seal with the Commission only and will not be returned after filing. When a petition is electronically filed, the original showing of interest must be filed with the Commission within seven business days of e-filing either by mail, overnight delivery, or hand-delivery. Showing of interest may not be filed electronically or by facsimile.

(5) The showing of interest filed with the Commission must be organized in alphabetical order by last name and be accompanied by a corresponding list of names that is numbered and arranged in alphabetical order by last name. Signature cards may be bound together with binder clips or rubber bands for filing purposes. Staples, two-prong fasteners, paper clips, or permanent metal binding are not acceptable.

(6) The initial determination that the showing of interest is numerically sufficient, based on the proposed bargaining unit, shall be made administratively. After its initial review, the Commission or its designee will issue either a notice of sufficiency concluding that there is reasonable cause to believe that the petition is sufficient for further processing or an order dismissing the petition as insufficient, with an opportunity to cure, if applicable.

(7) If a party disagrees with the Commission's initial determination that a showing of interest is sufficient, that party must file with the Commission an appropriate motion challenging the showing of interest within ten days of the issuance of the notice of sufficiency. The motion challenging the showing of interest must be accompanied by a corresponding list of names of the employees in the proposed bargaining unit as of the date the petition was filed. The list of employees shall be numbered and arranged in alphabetical

order by last name. Failure to file a timely motion constitutes a waiver of any objection to the showing of interest.

(8) Upon review of the motion, the Commission or its designee will compare the showing of interest filed by the petitioner to the list of employees filed by the challenging party and issue an order determining whether the showing of interest is sufficient.

(9) Upon request of the petitioner, showing of interest may be supplemented with additional showing of interest as needed to meet the minimum sufficiency requirements, such as in the case of an amended petition. Showing of interest may also be transferred to a subsequently filed petition that involves the same bargaining unit, such as in the event a petition is voluntarily withdrawn or dismissed without prejudice to refiling. However, showing of interest may be transferred to a new petition only once following the dismissal of the original petition involving the same bargaining unit.

*Rulemaking Authority 447.207(1) FS. Law Implemented 447.307(2) FS. History—New 5-6-79, Amended 1-17-80, Formerly 38D-13.09, 38D-13.009, Amended 2-17-20, Amended *-*-25.*

NAME OF PERSON ORIGINATING PROPOSED RULE:
Public Employees Relations Commission

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Kerey Carpenter, Chair

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 15, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: November 26, 2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-6.001	General
62-6.002	Definitions
62-6.003	Permits
62-6.024	Private Provider Inspectors
62-6.027	Permits and Inspections
62-6.030	Fees

PURPOSE AND EFFECT: The proposed revisions to Chapter 62-6, Florida Administrative Code, (F.A.C.), will update compliance standards, and definitions in rules 62-6.001, 62-6.002, 62-6.003, 62-6.027, and 62-6.030, F.A.C., and create a new rule 62-6.024, F.A.C., relating to enforcement and auditing for private provider inspections of the onsite sewage treatment and disposal systems, as directed by Chapter 2022-105, Laws of Florida.

SUMMARY: The Department is proposing amendments to Chapter 62-6, F.A.C., Standards for Onsite Sewage Treatment and Disposal Systems, to update regulatory requirements due to these statutory changes. The Department proposed new rule 62-6.024, F.A.C., to adopt rules for the enforcement and auditing requirements pursuant to the private provider inspections of an

OSTDS and proposed amendments to rules 62-6.001, 62-6.002, 62-6.003, 62-6.027, and 62-6.030, F.A.C., to update definitions, incorporate private provider inspections, clarify engineer certification requirements, update the fee structure for the review and processing of construction inspection documentation from the private provider inspectors, and clarify examination and continuing education related fees.

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: Based on the Department's economic review, neither a SERC nor legislative ratification is required because the adoption of the proposed rule does not increase regulatory costs directly or indirectly to the public.

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: 381.0065(3)(a), 381.0065(3)(c), 381.0065(8)(h), 381.0066, 403.061, 489.553(3) and 489.557(1) F.S.

LAW IMPLEMENTED: 381.0065, 381.0066, 381.0067, Part I 386, 403.121, Part III 489, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eb Roeder, Division of Water Resource Management, MS 3596, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8402 or by email at Eb.Roeder@FloridaDEP.gov.

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 ten (10) days before the hearing. 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 FULL TEXT OF THE PROPOSED RULE IS:

62-6.001 General.

(1) The provisions of Part I (Rules 62-6.001 through 62-6.016, F.A.C.) of this chapter apply to all areas of the state except where specific provisions in Part II (Rules 62-6.017 through 62-6.0182, F.A.C.), addressing the Florida Keys, or specific provisions in Part IV (Rules 62-6.025 through 62-6.0295, F.A.C.), addressing performance-based treatment systems, exempt or modify compliance with Part I. Part III (Rules 62-6.019 through ~~62-6.024~~ ~~62-6.023~~, F.A.C.) addresses the qualifications and registration of septic tank contractors and private provider inspectors, and the authorization of partnerships and corporations. Part V (Rule 62-6.030, F.A.C.) addresses fees for services throughout the chapter. The provisions of this chapter must be used in conjunction with Chapter 381, Chapter 403, and Part III of Chapter 489, F.S.

(2) through (5) No change.

(6) In accordance with subsection 381.0065(4), F.S., a municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the Department. Citations issued by the Department shall be on Form DEP 3146, 11/02, Citation for Violation, Onsite Sewage Program/Sanitary Nuisance, hereby incorporated by reference.

(7) and (8) No change.

*Rulemaking Authority 381.0065(3)(a), 381.0065(4)(e), 381.0065(8)(h), 403.061, 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.041, Amended 11-19-97, 2-3-98, 3-22-00, 9-5-00, 5-24-04, 11-26-06, 6-25-09, 4-28-10, 7-16-13, Formerly 64E-6.001, Amended 6-28-23, ~~x-xx-xx~~.
Editorial Note: Ratified by Ch. 2023-308, LOF.*

62-6.002 Definitions.

For the purposes of this chapter, ~~the following~~ words and phrases ~~shall~~ have the following meanings indicated:

(1) No change.

(2) Accelerated certification training – a training program established by the Department regarding general onsite sewage treatment and disposal system regulations, including permitting, and inspection topics such as site evaluation, system design, system material and construction standards, regulatory requirements, and soil morphology. The training program requires a minimum of 24 hours of pre-certification coursework which is presented in several parts. Satisfactory completion of the accelerated certification training requires an individual examination and a passing score for each part of the training program.

(2) through (5) renumbered (3) through (6) No change.

~~(7)(6)~~ Approved or approval – where a permitted an onsite sewage treatment and disposal system is constructed and installed subject to in compliance with the standards and requirements of this chapter, and the following types of approval: which has received final installation approval. “Approved” installation does not imply that a system will perform satisfactorily for a specific period of time.

(a) Construction approval – the Department or a private provider inspector will grant construction approval following a satisfactory construction inspection of the construction and installation of the system. The Department or a private provider inspector, or authorized representative of the private provider inspector, must conduct the construction inspection. The construction approval of the system or a component of the system is only a partial or preliminary approval based on the compliant status of the system at the time of inspection.

(b) Final installation approval – the Department will grant final installation approval after the complete construction and installation of the system and after confirmation that the system complies with the statutory requirements and this chapter’s applicable rules, standards, and requirements. “Approved” or “approval” of a final installation does not imply that a system will perform satisfactorily for a specific period of time.

~~(8)(7)~~ Approved maintenance entity – any person or business entity which has been issued a written permit by the Department to provide maintenance services associated with approved onsite aerobic treatment units or performance-based treatment systems.

(8) through (13) renumbered (9) through (14) No change.

(15) Construction inspection – critical assessment and evaluation of the construction, installation, modification, abandonment, or repair of an onsite sewage treatment and disposal system performed by an individual qualified under Florida statute or rule to perform the inspection. Each construction inspection does not extend beyond one calendar day.

(14) through (30) renumbered (16) through (32) No change.

(33) Installer – a registered septic tank contractor, master septic tank contractor, contractor as defined by paragraph 489.105(3)(m), F.S., or a person who is under the supervision and control of such contractors during the construction, installation, repair, modification, or abandonment of an onsite sewage treatment and disposal system.

(31) through (44) renumbered (34) through (47) No change.

(48) Private provider inspector – a person who meets the requirements of subsection 381.0065(8), F.S., who is hired by the owner of the system, or by a contractor with the owner’s written authorization, to perform construction inspections

pursuant to the applicable regulatory requirements for an onsite sewage treatment and disposal system inspection.

(45) through (59) renumbered (49) through (63) No change.

Rulemaking Authority 381.0064, 381.0065(3)(a), 381.0065(3)(c), 381.0065(8)(h), FS. Law Implemented 381.0064, 381.0065 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.42, Amended 3-17-92, 1-3-95, Formerly 10D-6.042, Amended 11-19-97, 3-22-00, 11-26-06, 7-16-13, Formerly 64E-6.002, Amended.

62-6.003 Permits and Inspections.

(1) System Construction Permit. – A person may not construct, repair, modify, or abandon an onsite sewage treatment and disposal system without first obtaining a system construction permit approved in accordance with this chapter. The Department issues the system ~~No portion of an onsite sewage treatment and disposal system shall be installed, repaired, altered, modified, abandoned or replaced until a construction permit has been issued on Form DEP 4016, effective date xx-xx-xxxx 08/09, Construction Permit and Inspection, herein adopted and incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Copies of this document are available as provided in subsection (7) below. If building construction has commenced, the system construction permit shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall not be charged for a repair permit issued within 12 months from the date of final authorization of the onsite sewage treatment and disposal system. If a construction or repair permit for an onsite sewage treatment and disposal system is transferred to another person the date of the construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer. Servicing or replacing with like kind mechanical or electrical parts of an approved onsite sewage treatment and disposal system; pumping of septage from a system; or making minor structural corrections to a tank, or distribution box, does not constitute a repair.~~

(a) Amended System Construction Permit. The Department shall only require the permittee to conform to new or additional permit conditions for good cause and after notice and, if requested, an administrative hearing pursuant to section 120.57, F.S. The Department shall allow the permittee time to conform to the new or additional conditions by extending the expiration date of any amended system construction permit by 180 days and any amended repair system construction permit by 90 days from the prior expiration date.

(b) For the purpose of this paragraph, good cause shall include any of the following:

1. A showing of any change or difference in the environment, including site conditions, or surrounding conditions that requires a revision to conform to applicable requirements pursuant to this chapter.

2. Adoption or revision of statutes, rules, or standards, which require the revision of a permit condition for compliance.

3. A showing that there are material and substantial alterations or additions to the permitted onsite sewage treatment and disposal system, which occurred after permit issuance which justify the application of permit conditions that are different in or absent from the existing permit.

4. The Department's receipt of new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance.

5. A showing that there is a technical mistake in a permit condition which needs to be corrected.

(c) If amendments to a system construction permit are made at an applicant's request, the applicant must pay a permit application amendment fee.

(d) If building construction has commenced, the system construction permit shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall not be charged for a repair system construction permit issued within 12 months from the date of final installation approval of the onsite sewage treatment and disposal system.

(e) If a system construction permit for an onsite sewage treatment and disposal system is transferred to another person the date of the system construction permit shall not be amended, but shall run from the date of original issuance prior to the transfer. Rule 62-6.002, F.A.C., defines what is and what is not considered a repair. All repairs require a system construction permit.

(2) Construction System Inspection. Before sealing manhole covers or covering with fill material, earth and before placing a system into service, a person installing, repairing, modifying, replacing, abandoning, or constructing any portion of an onsite sewage treatment and disposal system must shall notify the Department or an authorized private provider inspector to schedule and complete a construction inspection. The construction inspection must meet the following requirements: of the completion of the construction activities and shall have the system inspected by the Department for compliance with the requirements of this chapter, except as noted in subsection 62-6.003(3), F.A.C., for repair installations.

(a) The construction inspection must be performed onsite in person by an individual qualified to perform an inspection of the system in accordance with statutory and rule requirements.

(b) The construction inspection results must be recorded on Part 2 of Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C. Copies of this document are available as provided in subsection (7) below. A separate inspection form is required for each site visit to assess and record conditions of the system construction at the time of inspection.

(c) At each construction inspection, the inspector must assess and record all items listed on the inspection form and must document the observations and status on the day and time of the inspection. A construction inspection is not complete unless, during the inspection, each item on the inspection form is observed and the condition of the system is recorded.

(d) The construction inspection must confirm compliance with the appropriate statutory and regulatory requirements, this chapter and the information on the system construction permit.

(e) The inspector must document the inspection with photographs of the system being inspected, which shall include information about time and location of the photograph through electronic metadata or included in the notes of the report. A minimum of one photograph should clearly depict the overall layout of the system in relation to the associated structure, including the system's placement and orientation. Such photographs must show an overview of the system installation relative to the structure, the number of drainlines, and extent of drainfield. Any components or aspects of the installation that do not meet regulatory standards must be documented with detailed photographs highlighting the specific areas of concern. Photographs must be in an acceptable digital format (JPEG or PNG) and submitted electronically along with the inspection report.

(f) All construction inspections for a system construction permit must be performed before the system construction permit expires, including any authorized extension. If the construction inspections are not completed prior to the system construction permit expiration, a construction permit application must be resubmitted for review and issuance from the Department on Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C., which is available as provided in subsection (7) below.

(g)(*) If the observed portion of the system construction is approved after an inspection by the Department or private provider inspector, the Department or private provider inspector must notify shall issue a "Construction Approval" notice to the installer of the inspection results recorded on the inspection form, Part 2 of Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C., by providing a copy of all the inspection forms involved in inspecting the system. Part 2 of Form DEP 4016 is available as provided in subsection (7) below. The inspection form, Part 2 of Form DEP 4016, must record the items that are in compliance, the items that are not applicable for the particular system construction permit involved, the items that were unobserved and need to be addressed before a final installation approval, and specify which inspection items were out of compliance and must be addressed before a final installation approval will be granted by the Department.

(h) When the Department or private provider inspector disapproves the inspected portion of the system construction due to noncompliance, the inspector must record the disapproval and notify the installer of the inspection results by providing a copy of the disapproved inspection report, documented on the inspection form (Part 2 of Form DEP 4016), which is adopted and incorporated by reference in subsection 62-6.003(1), F.A.C., and is available as outlined in subsection (7) below. The disapproved inspection report on Part 2 of Form DEP 4016 must list the items in compliance, the items not applicable to the specific system construction permit, the unobserved items requiring resolution before final installation approval, and the inspection items found which are out of compliance. The report must also specify the corrective actions needed for final installation approval by the Department. Upon disapproval, the following actions are required to address the noncompliant items:

1. ~~(b) If the system installation does not pass the construction inspection on any type of system installation, the~~ installer shall make all required corrections and notify the Department or private provider inspector conducting the inspection of the completion of the work prior to the required reinspection of the system. A reinspection fee shall be charged to the installer for each additional Department inspection conducted until the final installation approval is issued by the Department leading up to construction approval.

2. If the inspection records identify a need for a permit amendment per subsection 62-6.003(1), F.A.C., the system construction inspection must be disapproved. The Department will notify the applicant or authorized agent listed on Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C., when the Department re-issues or denies the amended system construction permit.

~~(i)(e) The Department will not grant f~~Final installation approval shall not be granted until the Department has confirmed that all requirements in statute, requirements of this chapter, and the system construction permit are met, including confirmation that the building construction and lot grading comply with the plans and specifications in the permit as issued are in compliance with plans and specifications submitted with the permit application. The Department will issue a final installation approval notice in writing to the applicant or authorized agent listed on Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C., by providing a copy of the Department's final installation approval recorded on Part 2 of Form DEP 4016. The following are required prior to final installation approval:

1. If subsection 62-6.004(4), F.A.C., and paragraph 62-6.009(7)(a), F.A.C., require the system to be designed by a Florida-licensed engineer, the Department requires the design engineer or their designee, who must also be a Florida-licensed

engineer, to inspect the installed system and certify its compliance with the approved design and installation requirements. The certification must state: "I certify that the engineering features of this onsite sewage treatment and disposal system as installed have been examined by me and found to comply with all specifications contained in the engineering design that was the basis for issuance of the construction permit. I certify that the required components are installed for the system to function as permitted and designed. I certify that there is reasonable assurance, in my professional judgment, that the system, when properly operated and maintained, will comply with all applicable statutory requirements and rules of the Department." Single-family residences are excluded from this requirement; however, performance-based treatment systems must comply with subsection 62-6.027(5), F.A.C., for all installations. The design engineer must approve all changes to the engineering specifications. In addition, if the system was designed by an engineer, who shall be licensed in the State of Florida, the Department shall require the design engineer or the design engineer's designee, who shall be a licensed engineer, to certify that the installed system complies with the approved design and installation requirements. Single family residences are excluded from this requirement, however, all changes to the engineering specifications shall be approved by the design engineer.

2. A reinspection fee is required for each system construction inspection performed by the Department prior to the Department granting final installation approval. If additional site visits after the construction approval inspection are necessary to establish the compliance of the building construction and lot grading, or to establish the compliance with any provision of this chapter, a reinspection fee shall be charged to the permit applicant for each inspection of the building and site leading to the final installation approval.

3. When If an operating permit is required for the onsite sewage treatment and disposal system, the final installation approval shall not be granted until the operating permit application, a copy of any maintenance agreement required pursuant to this chapter, and fee have been received by the Department.

4. The written notice by the property owner that confirms the execution and recording of the notice in the public property records at the county courthouse which informs subsequent property owners as required by paragraphs 62-6.009(7)(g) and 62-6.027(5)(d), F.A.C., or a recorded easement complying with these requirements.

5. Pumpout receipts for abandonments of tanks as required by paragraph 62-6.011(2)(b), F.A.C.

6. Other documentation, bills of lading or invoices required by rule, permit or product approval.

~~(j)(d)~~ Where an establishment is serviced by an onsite sewage treatment and disposal system, subsection Section 381.0065(4), F.S., governs ~~shall govern~~ when occupancy of a building can be allowed. The Department must first authorize and issue a final installation approval notice before a system can be placed into service or a building occupied. “Approved” or “approval” of installation does not imply that a system will perform satisfactorily for a specific period of time.

~~(e) Systems which are required to have an annual or biennial operating permit and the structures which they serve shall be inspected by the Department at least once per year during the term of the permit to determine compliance with the terms of the operating permit.~~

(3) Construction Inspection by a Private Provider Inspector. Repair Inspections— A private provider inspector must physically inspect and evaluate the installation of an onsite sewage treatment and disposal system repair shall be inspected by the Department or a master septic tank contractor to determine compliance with statutory requirements, this chapter, and the system construction permit standards prior to final covering of the system. This responsibility begins when the inspector receives authorization from the owner or an authorized contractor under paragraph 381.0065(8)(d), F.S., and notice from the installer that the system is ready for inspection. The private provider inspector must also obtain a complete copy of the approved system construction permit and applicable application documents. All construction inspections must shall comply with the requirements of subsection 62-6.003(2), F.A.C., and the following:

(a) Authorization requirement. The owner’s written acknowledgement electing to use a private provider inspector must be completed using Form DEP 4015A, effective date xx-xx-xxxx, Property Owner’s Notice Authorizing Private Provider Inspector, herein adopted and incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Copies of this document are available as provided in subsection (7) below. An owner or an authorized contractor’s use of a private provider inspector is subject to the following requirements: A master septic tank contractor may, at their option, cover a system repair when the following conditions are met:

1. The owner or an authorized contractor or their agent must submit Form DEP 4015A to master septic tank contractor has requested an inspection from the Department at the time of the permit application or by 2 p.m. local time, two business days before the first scheduled inspection by the Department. Form DEP 4015A, including the owner’s written acknowledgment, must be signed, dated, and submitted to the Department prior to the first inspection performed by the private provider inspector. The private provider inspector must confirm that Form DEP

4015A is effective and timely submitted to during the normal duty day before the date and time the repair will be ready for inspection. Inspections must be scheduled during normal inspection hours and in conjunction with the inspection schedule of the Department.

2. If an owner or authorized contractor makes any changes to the listed private provider inspector or the service to be performed by the private provider inspector, or requests that the Department perform the system construction inspection, the owner or authorized contractor must update and submit to the Department an amended Form DEP 4015A within one business day after the change. At the date and time specified for inspection, the Department is not on site to conduct an inspection within 30 minutes of the scheduled time. If the Department is on site to conduct the inspection and the system is not ready for inspection within 30 minutes after the scheduled time, a reinspection shall be requested. A reinspection fee shall be charged. Contractors shall cancel or reschedule inspections not later than two hours prior to the scheduled time. In such cases, no reinspection fee shall be charged.

3. The master septic tank contractor is physically on site and conducts the inspection.

(b) Submittal of inspection reports and fees. The master septic tank contractor shall document the inspection of Form DEP 4016, and fax or hand deliver the form to the Department by the next normal duty day following the inspection.

1. The private provider inspector must complete an inspection report on Part 2 of Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C., for each construction inspection and provide all completed inspection reports and records to the owner or authorized contractor and the Department by end of the seventh calendar day after completion of each construction inspection.

2. Private provider inspectors must submit their inspection reports electronically through the Department’s specified portal. The Department cannot accept private provider inspections performed by individuals who do not meet the requirements of subsection 381.0065(8), F.S.

3. Private provider inspections must be conducted by a private provider inspector meeting the requirements of subsection 381.0065(8), F.S.

4. All reports and records must bear the written or electronic signature of the private provider inspector who performed the inspection. If subsequent inspections are performed by a different private provider inspector, each private provider inspector must obtain all previous construction inspection reports and records from the owner or authorized contractor for auditing purposes by the Department and for use in completion of the system construction inspection. All inspection reports and records submitted by a private provider inspector qualified pursuant to subparagraph 381.0065(8)(c)4.,

F.S., must also be signed, dated, and sealed by the engineer supervising that private provider inspector.

5. Payment of an inspection report review fee is required for the review and processing of each private provider inspector report that results in a construction approval.

(c) Documents required for final installation approval from the Department. The owner, or authorized contractor, or their agent, and the private provider inspector must submit the documentation required by paragraph 62-6.003(2)(i), F.A.C., as applicable, for Department review. The Department shall not grant final installation approval until the Department reviews the documentation submitted and confirms compliance with the requirements of this chapter and the system construction permit. A master septic tank contractor shall not cover a system repair when the Department has performed an inspection and has notified the contractor of violations. Any system that has been inspected by the Department and found to be in violation of construction standards of this rule, must receive a reinspection from the Department before the system may be covered. A reinspection fee shall be charged for each reinspection leading to final approval.

(d) The private provider inspector must retain all records for each inspection and all supporting documentation for a minimum of three years from the date of the inspection. These documents must be maintained in hardcopy or electronic format and provided to the Department or property owner upon request. The Department shall issue a "final approval" of the system repair based on the master septic tank contractor's inspection.

(e) Nothing herein prevents the Department from inspecting a system inspected by a master septic tank contractor. No inspection is final until approved by the Department.

(4) No change.

(5) Operating Permits. – No business or facility shall occupy a building served by an onsite sewage treatment and disposal system if the building is located in an area zoned or used for industrial or manufacturing purposes or its equivalent; or where a business will generate commercial sewage waste; and no structure shall be occupied where an aerobic treatment unit or performance-based treatment system is used; until an "Application for Onsite Sewage Treatment and Disposal System Operating Permit" and appropriate fee has been received and approved by the Department. Applications shall be submitted using Form DEP 4081, effective date xx-xx-xxxx, 10/96 "Application for Onsite Sewage Treatment and Disposal System Operating Permit," is herein adopted and incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(a) Property owners or their authorized agents are required to obtain an annual operating permit for systems located in an area zoned or used for industrial or manufacturing purposes or its equivalent or where a business will generate commercial sewage waste, subject to all of the following: ~~The permit shall designate the person or entity responsible for the operation and maintenance of the system; the type of activity proposed on the site; persons or businesses which will use the system; equipment and types and quantities of chemical compounds which will be used by the building occupants which are likely to be discharged into the onsite sewage treatment and disposal system.~~

1. The annual operating permit must designate:

a. The person or entity responsible for the operation and maintenance of the system.

b. The type of activity proposed on the site.

c. Persons or businesses which will use the system.

d. Equipment and types and quantities of chemical compounds which will be used by the building occupants which are likely to be discharged into the onsite sewage treatment and disposal system.

2. At a minimum, the owner or person responsible for maintenance of the system ~~must~~ shall test, or cause to be tested, the onsite sewage treatment and disposal system effluent in a qualitative and quantitative manner for any chemical compounds associated with the particular industrial or manufacturing operations conducted in that establishment, as directed by the Department. The frequency of testing shall be specified on the annual operating permit.

(b) Operating permits are not transferable. If the owner of the system remains the same but the tenancy of the building changes, Form DEP 4081A, effective date xx-xx-xxxx, a Business Survey, Form DEP 4081A, 10/96, herein adopted and incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> must be completed and submitted to the Department for review. Changes in building occupancy shall be reviewed per subsection ~~Section~~ 381.0065(4), F.S.

(c) Property owners or their authorized agents are required to Maintenance entities contracting to service aerobic treatment systems and performance-based treatment systems shall obtain a biennial operating permit from the Department for aerobic treatment systems and performance-based treatment systems the system. Persons operating an aerobic treatment unit or performance-based treatment system shall permit Department personnel right of entry to the property during normal working hours to allow for effluent sampling or evaluating the general state of repair or function of the system. Persons required to obtain an annual operating permit for an onsite sewage treatment and disposal system in an industrial or manufacturing zone or its equivalent, or where the system receives commercial

sewage, shall not be required to obtain another operating permit for an aerobic treatment unit or performance-based treatment system at that site. Performance-based treatment systems that also include an aerobic treatment unit require only one biennial operating permit for the system.

(d) The Department shall inspect onsite sewage treatment and disposal systems which are required to have an annual or biennial operating permit and the structures which they serve at least once per year during the term of the permit to determine compliance with the terms of the operating permit.

(6) Expired Permits. – Any new construction, repair, or modification permit issued by the Department, that has received construction approval within the previous five years but has not received final installation approval may be approved provided all of the following conditions are met:

(a) through (c) No change.

(d) One or more construction inspections are ~~A final system inspection is performed~~ showing compliance with all rules under which the original permit construction approval was ~~issued granted~~. If applicable, a system re-inspection fee is paid.

(7) No change.

Rulemaking Authority 381.0065(3)(a), 381.0065(3)(c), 381.0065(8)(h), 403.061, 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09, 4-1-10, 4-28-10, 7-16-13, Formerly 64E-6.003, Amended.

62-6.024 Private Provider Inspectors.

(1) Accelerated certification training for private provider inspectors. In order to pass the accelerated certification training a person must successfully complete the pre-certification coursework and achieve a passing score on each of the examinations.

(a) Prior to participating in the pre-certification coursework and taking the associated examinations, a person requesting authorization to take the examinations as part of their qualifications must submit the following to the Department:

1. Account creation and examination fees, for other than Department employees.

2. Contact information:

a. Name (first name, middle, last name, generational suffix if applicable).

b. Firm or business name, if applicable.

c. Mailing address (street address, city, state, zip).

d. Email address.

e. Date of birth.

f. Telephone number.

3. Confirmation of at least one of the following prequalifications, as applicable:

a. Applicants qualifying under subparagraph 381.0065(8)(c)1., F.S., and section 381.0101, F.S., as an environmental health professional certified in the onsite sewage program must submit proof of their determination of eligibility to take part in the accelerated certification training in accordance with subsection 64E-18.003(6), F.A.C.

b. Applicants qualifying under subparagraph 381.0065(8)(c)3., F.S., must submit proof of their active license issued under Chapter 471, F.S., as an engineer in Florida.

c. Applicants qualifying under subparagraph 381.0065(8)(c)4., F.S., or paragraph 381.0101(2)(b), F.S., must submit a signed, sealed, and dated statement from the engineer under whose supervision they work confirming supervisory oversight.

(b) After submitting a complete application, applicants must register for participation in and complete the pre-certification coursework.

(c) After completing the pre-certification coursework eligible applicants must successfully complete each part of the accelerated certification training examination administered by the Department. The minimum passing score for each part of the examination must be a 70 percent correct response to all questions.

1. Examination results for applicants achieving a passing score on each part of their examination will be reported to the appropriate licensing or registration entity and to the private provider inspector registry.

2. Applicants not achieving a passing score on any part of the examination for any part or failing to take a scheduled examination are required to submit an additional examination fee before being authorized to take that part of the examination again.

3. If the applicant is unable to pass any part of the examination within two attempts, the applicant must reregister for the respective pre-certification coursework and examination pursuant to paragraphs 62-6.024(1)(b) and (c), F.A.C.

(d) Examination results are valid for a period of 2 years from the date of examination.

(2) Prohibited inspections. Private provider inspectors are prohibited from conducting an inspection in any of the following conditions:

(a) An onsite sewage treatment and disposal system must not be inspected by the private provider inspector or authorized representative of the private provider inspector who was the installer for that system.

(b) Engineers licensed in Florida and qualified pursuant to subparagraph 381.0065(8)(c)3., F.S., or persons working under the supervision of the engineer and qualified pursuant to subparagraph 381.0065(8)(c)4., F.S., are prohibited from acting as the private provider inspector on a system when the engineer also serves as the engineer certifying completion for the

installation of the onsite sewage treatment and disposal system according to subsection 62-6.003(2), F.A.C., or paragraph 62-6.027(5)(a), F.A.C.

(3) Complaints and Enforcement. A private provider inspector must perform the inspection in compliance with the requirements of this chapter and section 381.0065, F.S.

(a) A private provider inspector who violates the requirements of this chapter, section 381.0065, F.S., Part III of Chapter 489, F.S., or other Department requirements is subject to enforcement pursuant to section 381.0065, F.S. and Part I of Chapter 403, F.S.

(b) A private provider inspector must comply with the requirements of the applicable authority with jurisdiction over their license or certification under Chapter 381, F.S., Chapter 471, F.S., or Chapter 489, F.S. For private provider inspectors who are qualified pursuant to subparagraph 381.0065(8)(c)4., F.S., and who may not have an established professional licensing board regulating their profession, enforcement action will include the licensed professional engineer licensed under Chapter 471, F.S., who supervised the private provider inspector. The Department may refer cases for further investigation to the applicable authority with jurisdiction over the license or certification.

(4) A private provider inspector hired to perform a construction inspection is authorized to perform one or more construction inspections of an onsite sewage treatment and disposal system during the construction and installation of the system prior to final installation approval by the Department, and shall be subject to the following registration and auditing requirements:

(a) Prior to submitting a construction inspection report for a construction inspection conducted on or after {effective date + 90 days}, a private provider inspector must submit the following registration information to the Department:

1. Private provider inspector name (first name, middle, last name, generational suffix if applicable).
2. Private provider inspector firm or business name, if applicable.
3. Business address (street address, city, state, zip).
4. Business email address unique to private provider inspector.
5. Business telephone number.
6. Qualification statement or resume pursuant to subparagraph 381.0065(8)(d)1.c., F.S.
7. Qualifying professional license or certification number pursuant to paragraph 381.0065(8)(c), F.S.
8. If the private provider inspector is working under the supervision of an engineer pursuant to subparagraph 381.0065(8)(c)4., F.S., a dated, signed, and sealed statement from the engineer which attests to their supervisory oversight.

(b) Upon receiving the registry information required by paragraph 62-6.024(4)(a), F.A.C., the Department will review and verify compliance with subsection 381.0065(8), F.S. If the registry information submitted does not meet the requirements of subsection 381.0065(8), F.S., the Department will notify the private provider inspector within 30 days of such determination. Once the Department confirms the registry information, the Department will assign the private provider inspector an active registry number for identification purposes. To remain active in the registry the private provider inspector must confirm or update their information in writing to the Department by October 31 of each year. However, any change to license, registration, or certification required by paragraph 381.0065(8)(c), F.S., to qualify as a private provider inspector, shall be reported to the Department within seven days of the effective date of the change.

(c) The Department may audit up to 25 percent of the private provider inspectors each year in accordance with the provisions of paragraph 381.0065(8)(e), F.S. The private provider inspector shall provide the required inspection records and documentation during the Department's normal business hours within 21 days of an audit request. An audit performed pursuant to paragraph 381.0065(8)(e), F.S. will:

1. Consist of an assessment of the tools, methods, and reporting used by a private provider inspector. The private provider inspectors will be audited to confirm compliance with requirements of this chapter, Chapter 381, F.S., Form DEP 4015A, herein adopted and incorporated by reference in subsection 62-6.003(3), F.A.C., and Part 2 of Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C.

2. Include a field compliance component, during which a Department inspector observes the private provider inspector performing a construction inspection. If the Department inspector identifies deficiencies in the private provider's inspection, the private provider inspector must not issue a construction inspection approval until the applicable requirements under this chapter have been met.

3. Include a component to assess the completeness, timeliness, and accuracy of submitted inspection records and registry information.

4. Generate an audit report that will include an assessment of the performance of the private provider inspector, and requirements for training or other measures to address deficiencies found. The audit report will be given to the private provider inspector within 30 days of completion of the audit. Subject to sections 120.57 and 120.569, F.S., the private provider inspector, after receiving the results of the audit report, shall have 30 days to respond to the audit report and provide a corrective action plan to address any deficiencies that the Department may have identified.

(d) The Department will create and maintain a publicly accessible portal for the public to locate information on a registered private provider inspector.

(5) Private provider inspectors conducting inspections under subsection 381.0065(8), F.S., are responsible for ensuring that their inspections are conducted in accordance with the requirements of this chapter and the system construction permit. Private provider inspectors must determine whether the onsite sewage treatment and disposal system complies with all applicable standards. Failure to properly conduct inspections or determine compliance may result in enforcement action upon the private provider inspector by the Department.

Rulemaking Authority 381.0065(3)(a), 381.0065(3)(c), 381.0065(8)(h), 489.553, FS. Law Implemented 381.0065, Part I 386, 489.552, FS. History—New.

62-6.027 Permits and Inspections.

(1) No change.

(2) System Construction Permit. — No portion of a performance-based treatment system shall be installed, repaired, altered, modified, abandoned or replaced until a construction permit has been issued on Form DEP 4016, herein adopted and incorporated by reference in subsection 62-6.003(1), F.A.C. If building construction has commenced, the system construction permit shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall be charged for a repair permit issued within 12 months from the date of final authorization of the performance-based treatment system. If a construction or repair permit for a performance-based treatment system is transferred to another person, the date of the construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer. Servicing or replacing with like kind mechanical or electrical parts of a performance-based treatment system; pumping of septage from a system; or making minor structural corrections to a tank, or distribution box, does not constitute a repair, however, all services must be performed by the performance system maintenance entity. Any proposed change from the original design, including increasing or decreasing changes in flow rate, shall require that the system be re-engineered to achieve the desired performance standard under the altered conditions.

(3) and (4) No change.

(5) Construction System inspection. — Construction inspections of a performance-based treatment system must comply with the requirements of subsections 62-6.003(2) and (3), F.A.C., with the following additional requirements: Before covering with earth and before placing the performance-based treatment system into service, a person installing or constructing any portion of the performance-based treatment system shall notify the Department of the completion of the

~~construction activities and shall have the system inspected by the Department.~~

(a) Prior to or concurrent with the last construction a final installation inspection by the Department or a private provider inspector, the professional engineer who designed the system or the design engineer's designee, shall inspect the entire installation and the engineer shall certify in writing that the installed system complies with the approved design and installation requirements. This certification shall read as follows: "I certify that the engineering features of this performance-based treatment system as installed have been examined by me and found to comply with all specifications contained in the engineering design that was the basis for issuance of the construction permit. I certify that the required components are installed for the system to function as permitted and designed. I certify that the operation and maintenance manual for this performance-based treatment system has been prepared or examined by me or by an individual(s) under my direct supervision and that there is reasonable assurance, in my professional judgment, that the system, when properly operated and maintained in accordance with this manual, will achieve the established performance standard and comply with all applicable statutory requirements and rules of the Department."

(b) No change.

(c) In addition to the requirements of paragraph 62-6.003(2)(b), F.A.C., the Department or private provider inspector performing a construction inspection must also notify the design engineer of inspection results. If the system is found to not comply with the construction permit during the construction inspection on any type of system installation, the Department shall notify the engineer. The installer shall make all required corrections and notify the Department of the completion of the work prior to reinspection of the system. A reinspection fee shall be charged for each additional inspection leading up to construction approval.

(d) Final installation approval will not be issued until the Department has confirmed:

1. No change.

2. Other system construction requirements, as reviewed during a ~~system~~ construction inspection, are in compliance with the permit, and the plans and specifications provided with the permit application, including building construction and lot grading,

3. through 4. No change.

(e) No change.

(6) and (7) No change.

Rulemaking Authority 381.0065(3)(a), 381.0065(3)(c), 381.0065(8)(h), FS. Law Implemented 381.0065, Part I 386 FS. History—New 2-3-98, Amended 4-21-02, 6-18-03, 6-25-09, 4-28-10, Formerly 64E-6.027, Amended 8-27-24, Amended.

62-6.030 Fees.

(1) The following fees are required for services provided by the Department.

(a) and (b) No change.	
(c) Application and Existing System <u>and System Repair Evaluation.</u>	\$50.00
(d) through (f) No change.	
(g) Permit or permit <u>application</u> amendment for new system, modification, or repair to system.	\$55.00
(h) through (j) No change.	
(k) Application for system abandonment permit, includes permit issuance and inspection, <u>or review of the first inspection report by a private provider inspector.</u>	\$50.00
(l) through (x) No change.	
(y) Review of each private provider inspector's <u>construction approval inspection report.</u>	\$35.00

(2) The following fees are required to accompany applications for registration of individuals for septic tank contractor or master septic tank contractor, ~~or~~ for a certificate of authorization for partnerships and corporations, or for private provider inspectors and site evaluators, as specified.

(a) <u>Account creation Application for registration including examination.</u>	\$25.00 \$75.00
(b) <u>Contractor examination or reexamination Initial registration.</u>	\$75.00 \$100.00
(c) <u>Application review for contractor registration and renewal Renewal of registration.</u>	\$100.00
(d) No change.	
(e) <u>Accelerated certification training course examination or reexamination, Part I.</u>	\$50.00
(f) <u>Accelerated certification training course examination or reexamination, Part II.</u>	\$50.00
(g) <u>Accelerated certification training course examination or reexamination, Part III.</u>	\$50.00

Rulemaking Authority 154.06(1), 381.0065(3)(c), 381.0065(8)(h), 381.0066, 489.557(1) FS. Law Implemented 381.0064, 381.0065, 381.0066, 489.557 FS. History—New 2-3-98, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 9-24-07, Formerly 64E-6.030, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eb Roeder

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alexis Lambert, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2022, November 18, 2022

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.2031 RULE TITLE: Licensure by Examination (Non-U.S. Graduates); Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the incorporated application to be consistent with the previous changes made to the rule which updated the TOEFL requirements; and to incorporate new fingerprinting requirements.

SUMMARY: The incorporated application will be updated to be consistent with the previous changes made to the rule which updated the TOEFL requirements; and will add fingerprinting requirements pursuant to statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013(1), 465.005 FS.

LAW IMPLEMENTED: 456.013(1), 456.025(3), 456.0635, 465.007(1) 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: Traci Zeh, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C08, Tallahassee,

Florida 32399-3258 or by email at
info@Floridaspharmacy.gov.

Section IV Emergency Rules

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.2031 Licensure by Examination (Non-U.S. Graduates); Application.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the applicant must be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States and have completed an internship program approved by the Board.

(1) All applications for licensure by examination must be made on form DH-MQA 103 Revised 4/2025 (Rev. 08/2021), Pharmacist Examination Application For Non-U.S. Graduates, which is hereby incorporated by reference, and which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-43938>, the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or the Board's website at <http://floridaspharmacy.gov/>. The application must be accompanied with an examination fee and an initial license fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) No change.

Rulemaking Authority 456.013(1), 465.005 FS. Law Implemented 456.013(1), 456.025(3), 456.0635, 465.007(1) FS. History—New 1-11-05, Amended 8-8-07, 6-10-09, 5-27-10, 9-12-16, 12-29-21, 10-29-24.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 21, 2025

Section III Notice of Changes, Corrections and Withdrawals

NONE

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: 65CER22-1
RULE TITLE: Standards for Unaccompanied Alien Children and Unaccompanied Refugee Minor Programs

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On September 28, 2021, the Governor of the State of Florida signed Executive Order 21-223, declaring that the Biden administration's refusal to faithfully enforce federal immigration laws has led to an unprecedented surge of illegal border crossings at the southwest border of the United States. In July 2021 alone, over 213,000 persons attempted to illegally enter the United States at the southwest border, the highest number in more than 20 years, and another 209,840 persons attempted to illegally enter in August. Note 1. For the entire federal fiscal year of 2021, over 1.7 million foreign nationals were encountered at the southwest border attempting to enter the country illegally. Note 2. In the first quarter of this federal fiscal year, the reported number of such encounters stands at more than 518,000. Note 3. By contrast, in the last full federal fiscal year of the previous administration (federal fiscal year 2020), there were fewer than 460,000 such encounters, and in the fiscal year before that (federal fiscal year 2019), there were fewer than 980,000 encounters. Note 4.

The Biden administration has taken numerous actions to cause and further exacerbate this border crisis. It terminated the previous administration's Migrant Protection Protocol (MPP) program (also known as the "Remain in Mexico" policy), reinstituted a "catch and release" policy, ended further construction of a border wall, and declined to detain and remove certain categories of illegal aliens who had been convicted of committing crimes. The administration's unlawful termination of MPP was successfully challenged in court, see *Texas v. Biden*, No. 21-10806 (5th Cir. Dec. 21, 2021), but the Biden administration is currently working to reimplement the program. Its other actions, however, remain in effect.

Notwithstanding that federal immigration law generally requires that aliens entering the United States without a clear right to be admitted (including applicants for asylum) must be detained pending further proceedings, see 8 U.S.C. § 1225(b)(2)(A), *id.* § 1225(b)(1)(B), the Biden administration

has instead been releasing into the interior of the United States large numbers of illegal aliens apprehended at the southwest border. The U.S. Border Patrol released 60,559 illegal aliens from the southwest border in July 2021 alone and another 44,122 in August 2021, a massive increase from the 17 illegal aliens released in December 2020, the last full month of the previous administration. Note 5. During federal fiscal year 2021, the Border Patrol released in total more than 248,000 aliens apprehended at the southwest border, almost all of which occurred after January 2021. Note 6. This number does not reflect additional releases by other elements of the U.S. Department of Homeland Security (DHS). In an October 20, 2021 letter, DHS confirmed that at least 5,900 single illegal alien adults who were released at the southwest border have reported to an Immigration and Customs Enforcement (ICE) field office in Florida. This number likely vastly underreports the number of released illegal aliens from the southwest border who have resettled in Florida because approximately 80% of aliens who are released at the border and are directed to report to an ICE office within 60 days reportedly fail to do so. Note 7. Because the Federal Government does not actively coordinate or consult with the State of Florida concerning the illegal aliens that it releases from the southwest border into the interior of the United States, the State of Florida has no knowledge about the backgrounds, criminal history, immigration status, or the status of removal proceedings for the aliens who have resettled in Florida. The State of Florida has brought a legal challenge to the Biden administration's unlawful "catch and release" policy, which is now pending in the U.S. District Court for the Northern District of Florida. See First Amended Complaint for Declaratory and Injunctive Relief, *State of Florida v. United States*, No. 3:21-cv-01066-TKW-EMT (N.D. Fla. Feb. 1, 2022) (articulating harms to the State of Florida because of the Biden administration's "catch and release" policy).

The surge of foreign nationals attempting to enter illegally at the southwest border has included a large number of Unaccompanied Alien Children (UAC), defined by federal law as a child who has no lawful immigration status; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide physical custody and care, see 6 U.S.C. § 279(g)(2). Over 146,000 encounters at the southwest border for federal fiscal year 2021 involved UAC or single minors, compared to approximately 33,000 in fiscal year 2020 and 80,000 in fiscal year 2019. Note 8. For federal fiscal year 2022, the number of such encounters has already reached more than 85,000. Note 9. Under existing federal law, the U.S. Department of Health and Human Services (HHS) must take custody of these UAC and attempt to place them with sponsors in the United States until the UAC's immigration proceedings are completed. While the UAC await

placement with a sponsor, HHS will often house the UAC in group home facilities or foster homes that are operated by private entities or individuals under contract with HHS and licensed by the states where the facilities or homes are located. It is estimated that at least 4,284 UAC were housed in group home facilities or foster homes in Florida over the last year. During federal fiscal year 2021, 11,145 UAC were placed with sponsors in Florida, more than the 10,773 UAC placed in California, a substantially larger state. Note 10. So far during federal fiscal year 2022, 6,659 UAC have already been placed in Florida. Note 11.

Neither DHS nor HHS actively coordinates or consults with the State of Florida, including the Department, on the UAC that are resettled in Florida. The State does not receive meaningful, if any, advance notice when UAC are transported to Florida and is not meaningfully consulted on the number of UAC that the State's child-caring resources and capacity could feasibly support without adversely affecting children already present in Florida and under the State's protection and care. Recently, the State of Florida discovered that, between May and October 2021, there were 78 flights that arrived in Florida likely transporting UAC. This occurred without advance notice to the Department and without the State's consent. The State is given no opportunity to object to the transportation or resettlement of UAC in Florida.

Moreover, the State receives no information on the background, criminal history, immigration status, status of removal proceedings, or the sponsors of the UAC brought to Florida. See, e.g., Letter from Governor Ron DeSantis to DHS Secretary Alejandro Mayorkas, Resettlement of Illegal Aliens in Florida, Aug. 26, 2021; Letter from Acting ICE Director Tae Johnson to Governor Ron DeSantis, Oct. 20, 2021; Letter from DHS Secretary Alejandro Mayorkas to Governor Ron DeSantis, Nov. 24, 2021. UAC are regularly placed with sponsors without adequate follow-up by HHS or the placement entities to ensure the safety and welfare of the UAC. According to a recent report, between January and May 2021, federal contractors responsible for placing UAC with sponsors across the United States were unable to reach the minor or the sponsor in roughly one of every three attempts. Note 12. Nor does the State have any assurance that the UAC are, in fact, minors. As a result of the chaos at the southwest boarder, there is a significant risk of insufficient and inaccurate vetting of people claiming protection as UAC. Many UAC are male teenagers nearing adulthood, and some are gang members when they arrive or later become gang members. Note 13. Recently, a 24-year-old Honduran national was charged with murder in Florida after having falsely represented his age and having been released into the United States as a UAC. Note 14. In short, the Federal Government has failed to provide the State of Florida with sufficient answers to its requests for information on the resettlement of illegal aliens, including

UAC, so that their safety and the safety and welfare of Florida's citizens, including children already present in Florida, can be secured. The Federal Government's failure to enforce federal immigration law and secure the border, as well as the absence of meaningful coordination and consultation concerning the resettlement of UAC in Florida, are an immediate danger to the safety and welfare of Floridians, including its most vulnerable children, as well as recently arrived UAC. (The Federal Government's conduct with respect to the resettlement of UAC in Florida stands in stark contrast to the Federal Government's conduct with respect to the resettlement of Unaccompanied Refugee Minors (URM), where the Federal Government has a cooperative agreement in place with the State of Florida.)

To date, the Department has generally granted licenses to facilities that sought to house UAC brought to Florida by HHS. In light of the crisis described above, Section 8 of Executive Order 21-223 directed the Department to "determine whether the resettlement of unaccompanied alien children in Florida from outside of the state constitutes 'evidence of need' under section 409.175(5)(b)(1), Florida Statutes, sufficient to justify the award of a license under Florida law to family foster homes, residential child-caring agencies, or child-placing agencies that seek to provide services for unaccompanied alien children." "To the extent that such resettlement of unaccompanied alien children in Florida is determined not to constitute 'evidence of need' under Florida law," the executive order directed the Department to "amend, if necessary, Florida Administrative Code Rule 65C-46.022, 'Standards for Unaccompanied Alien Children (UAC) Homes and Unaccompanied Refugee Minor Programs,' in accordance with state law, to reflect the Department's determination." In this Emergency Rule, the Department determines that an application for issuance or renewal of a license to house UAC or URM, who are being resettled in Florida from outside of the state, does not constitute "evidence of need," § 409.175(5)(b)1, Florida Statutes, "to protect the health, safety, and well-being of all children in the state" cared for by residential child-caring agencies, § 409.175(1)(a), Florida Statutes, in the absence of a cooperative agreement between the State of Florida and the Federal Government in which the State of Florida is entitled, at a minimum, to advance notice and meaningful consultation before the resettlement of such UAC or URM in Florida. The Emergency Rule also prohibits existing licensees from adding to their existing UAC population and imposes additional requirements to ensure that such licensees protect the safety and welfare of UAC that they place with sponsors in the state.

Given the ongoing crisis at the border, including the Federal Government's failure to enforce federal immigration law and to secure the border, the resettlement of UAC in Florida, its ongoing refusal to provide meaningful coordination and consultation, its failure to provide adequate protection for and

supervision of UAC once they are placed with sponsors in the state, and its failure to adequately screen purported UAC (as evidenced by the recent murder charge brought against an adult foreign national who misrepresented his age to gain entry to the United States), emergency rulemaking is justified and necessary.

Note 1: Rebecca Beitsch, *US-Mexico July Border Crossings Hit 20 Year High*, *The Hill* (Aug. 12, 2021), <https://thehill.com/policy/national-security/567647-us-mexico-july-border-crossings-near-20-year-high>; see U.S. Customs & Border Prot., *Southwest Land Border Encounters*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last updated May 3, 2022) (showing 213,593 for July and 209,840 for August).

Note 2: U.S. Customs & Border Prot., *Southwest Land Border Encounters*, *supra* note 1.

Note 3: *Id.*

Note 4: *Id.*

Note 5: See U.S. Customs & Border Prot., *Custody and Transfer Statistics FY2021*, <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics-fy2021> (last accessed November 20, 2024).

Note 6: See *id.*

Note 7: See Mark Krikorian, *Immigration Enforcement on the Honor System*, <https://www.nationalreview.com/corner/immigration-enforcement-on-the-honor-system/> (July 16, 2021). In addition, between federal fiscal year 2008 and 2019, "32 percent of aliens referred to [immigration courts] absconded into the United States" and did not report to their hearings. See Memorandum Opinion and Order, *Texas v. Biden*, No. 2:21-CV-067-Z, 2021 WL 3603341, at *4 (N.D. Tex. Aug. 13, 2021).

Note 8: See U.S. Customs & Border Prot., *Southwest Land Border Encounters*, *supra* note 1.

Note 9: See *id.*

Note 10: See Office of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State* (June 24, 2021), <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>.

Note 11: See *id.*

Note 12: See Stef W. Knight, *Exclusive: Government Can't Reach One-in-Three Released Migrant Kids* (Sept. 1, 2021), <https://www.axios.com/migrant-children-biden-administration-a597fd98-03a7-415c-9826-9d0b5aaba081.html>.

Note 13: See Camilo Montoya-Galvez, *U.S. Shelters Received a Record 122,000 Unaccompanied Migrant Children in 2021*, *CBS News* (Dec. 23, 2021), <https://www.cbsnews.com/news/immigration-122000-unaccompanied-migrant-children-us-shelters-2021/> (stating that nearly three-quarters of unaccompanied minors

encountered at the border during the 2021 fiscal year were believed to be ages 15 to 17 and roughly two-thirds of the total were males); Kerry J. Byrne, *The Number of Adult Migrants Posing as Children at Border Surging*, N.Y. Post (Nov. 13, 2021), <https://nypost.com/2021/11/13/the-number-of-adult-migrants-posing-as-children-at-border-surging/> (reporting that about “30% of the MS-13 members arrested in recent years by ICE originally entered the U.S. as unaccompanied minors”); see also Written testimony of CBP U.S. Border Patrol Acting Chief of Carla Provost for a Senate Committee on the Judiciary hearing titled “The MS-13 Problem: Investigating Gang Membership As Well As Its Nexus to Illegal Immigration, and Assessing Federal Efforts to End the Threat”, Department of Homeland Security (June 21, 2017), <https://www.dhs.gov/news/2017/06/21/written-testimony-cbp-senate-committee-judiciary-hearing-titled-ms-13-problem#fn3>; Unaccompanied child immigration loophole releases MS-13 gang members, AP News (Jan. 13, 2019), <https://apnews.com/article/5d2784fb7c909b43791d6aea63339a6c>.

Note 14: See Adam Shaw, *Honduran Illegal Immigrant Charged with Murder Entered US Falsely Claiming to be Unaccompanied Minor*: Report (Nov. 4, 2021), <https://www.foxnews.com/politics/honduran-illegal-immigrant-charged-murder-entered-us-unaccompanied-minor>.
REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure is fair under the circumstances because the Emergency Rule ends the State’s practice of facilitating the Federal Government’s UAC resettlement program without terminating existing licenses or otherwise permanently foreclosing the issuance of licenses for UAC in the future. Instead, going forward, the State will require a meaningful cooperative agreement with the Federal Government, including a commitment to resume full enforcement of the immigration laws and to secure the border, before issuing or renewing licenses for housing UAC. (The same principle will apply for licenses to house URM, but there is a cooperative agreement with the Federal Government already in place.) In the meantime, existing licensees will not be permitted to add to their existing UAC population and will be subject to additional obligations to ensure the welfare and safety of the UAC whom they place with sponsors in Florida, but their existing licenses will not be cancelled.

SUMMARY: The Emergency Rule addresses licensing requirements for any residential child-caring agency, child-placing agency, or family foster home seeking to provide services for UAC or URM. The Department has adopted Rule 65C-9.004, F.A.C., but it is awaiting legislative ratification. This rule provides that the resettlement of UAC or URM by the Office of Refugee Resettlement (ORR) into Florida does not constitute “evidence of need” under section 409.175(5)(b)1,

Florida Statutes, “to protect the health, safety, and well-being of all children in the state” cared for by residential child-caring agencies, § 409.175(1)(a), in the absence of a cooperative agreement between the State of Florida and the Federal Government. The Emergency Rule also prohibits existing licensees from adding to their UAC population and requires such licensees to conduct welfare checks of the UAC whom they place with sponsors in Florida.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Elizabeth Floyd at Elizabeth.Floyd@myflfamilies.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER22-1 Standards for Unaccompanied Alien Children and Unaccompanied Refugee Minor Programs (Renewal).

(1) Any residential child-caring agency, child-placing agency, or family foster home, as those terms are defined in 409.175(2), F.S., seeking to provide services for Unaccompanied Alien Children (UAC) and Unaccompanied Refugee Minors (URM) must meet licensing requirements herein in addition to the program standards for the type of license sought.

(2) For purposes of section 409.175(5)(b)1, F.S., which requires “evidence of need” to obtain a license, and section 409.175(1)(a), F.S., which provides that the purpose of the licensure requirement is to “protect the health, safety, and well-being of all children in the state” who are cared for by residential child-caring agencies or family foster homes, or placed by child-placing agencies, the planned and organized resettlement of UAC or URM by the Office of Refugee Resettlement (ORR) of the U.S. Department of Health and Human Services does not constitute evidence of need as required for issuance or renewal of a license for a residential child-caring agency, child-placing agency, or family foster home that seeks to provide services to such UAC or URM, unless such resettlement is governed by a cooperative agreement between the State of Florida and the United States Government. In the absence of such cooperative agreement, no license will be issued or renewed with respect to any residential child-caring agency, child-placing agency, or family foster home that applies to provide services for UAC or URM resettling to Florida, and any residential child-caring agency, child-placing agency, or family foster home providing such services under a current license to UAC or URM who have already resettled in Florida may not further place or take placement of any additional UAC or URM until a cooperative agreement is entered. For purposes of this rule, the term “resettlement” means the transportation of persons to Florida for the purpose of temporarily or permanently residing in

Florida. The Department has no obligation to enter or renew a cooperative agreement with the United States Government for the resettlement of UAC or URM to Florida, and the Department may revoke or decline to enter or renew such agreement.

(3) The child-placing agency or residential child-caring agency, whichever is applicable, must ensure a contractual or grant agreement was executed between ORR and the child-placing agency or residential child-caring agency in order to provide care and services to UAC.

(4) The child-placing agency or residential child-caring agency, whichever is applicable, must ensure a contractual or grant agreement was executed between the U.S. Government and the State of Florida in order to provide care and services to URM.

(5) Care and supervision of UAC, URM, and dependent youth may not be provided in the same home or under the same license. The child-placing agency must ensure foster parents comply with this requirement.

(6) For a residential child-caring agency, the director and direct care staff must sign and comply with the plan applicable to the licensed setting. For a foster home, the child-placing agency must ensure the foster parents sign and comply with the plan applicable to the licensed setting. Residential child-caring agencies, child-placing agencies, or foster homes that provide services for UAC must use the "Plan for Unaccompanied Alien Children" Form, CF-FSP 5488, February 2022, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14108>. Residential child-caring agencies, child-placing agencies, or foster homes that provide services for URM must use the "Partnership Plan for Unaccompanied Refugee Minors," Form CF-FSP 5487, February 2022, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14107>.

(7) The residential child-caring agency or child-placing agency, whichever is applicable, must conduct in-person welfare checks of any UAC that it places, or assists in placing, with a sponsor after the effective date of this rule to ensure each child's safety and well-being.

(a) The welfare checks must be completed a minimum of once every six months until one of the following occurs:

1. The child reaches the age of 18;
2. The child permanently leaves Florida;
3. The child is removed from the United States;
4. The child is granted lawful immigration status; or
5. The residential child-caring agency or child-placing agency closes or is no longer licensed.

(b) The welfare checks must include:

1. Verifying the identity of the child through previously submitted photographs obtained by the child-placing or residential child-caring agency;

2. Taking a photograph of the child;

3. Looking for any unusual marks on visible parts of the body;

4. Speaking with the child about any issues he or she may be experiencing; and

5. Speaking with the caregiver about the child's well-being and basic needs.

(c) The child-caring or child-placing agency must report the results of the welfare checks to the Department or, if applicable, the Florida Abuse Hotline as follows:

1. Suspected incidents of child abuse and neglect must be immediately reported to the Florida Abuse Hotline in accordance with Chapter 39, F.S.

2. If the welfare check does not reveal any of the incidents described in (7)(c)1. of this rule, then the report must be made no later than the fifth (5th) day of the month following the date the welfare check was conducted, e.g., if a welfare check is completed on January 15, then the report must be made no later than February 5. The report must include the following:

a. Name of the child and date of birth.

b. Date the welfare check was conducted.

c. Name of the child's caregiver.

d. Location of the in-person welfare check.

e. Statement affirming that there were no presenting issues or concerns.

f. Any indication that the child is no longer residing in or is temporarily relocated from the sponsor's home, to include that the child has been determined to be missing or the child's whereabouts are unknown.

(8) Any child-placing agency or residential child-caring agency that provides care to URM must adhere to all contractual and federal case management requirements when conducting in-person child welfare checks.

(9) The residential child-caring agency must ensure all direct care staff complete training hours on immigration in child welfare, cultural awareness, and human trafficking related topics, as outlined in section 4.3.6. of the Office of Refugee and Resettlement UAC Program Policy, March 11, 2019, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13072>. The child-placing agency must ensure foster parents complete training hours outlined in 65C-45.002, F.A.C.

(10) The child-placing agency or residential child-caring agency must provide a copy of its education plan outlining how education will be provided.

(11) The child-placing agency or residential child-caring agency must develop policies and procedures on the administration and management of medication. A licensed

health care provider must write or verbally order all nonprescription medications. Verbal orders must be documented in the child's file. The residential child-caring agency or child-placing agency must align all health and safety policies with ORR guidelines.

(12) The child-placing agency or residential child-caring agency must notify the Department of any changes in the contract/grant agreement with ORR, and submit an updated copy, to include ORR's decision to no longer utilize the facility.

(13) For purposes of this rule, the term "Unaccompanied Alien Child" has the same meaning as in 6 U.S.C. § 279(g)(2), and the term "Unaccompanied Refugee Minor" means an unaccompanied minor, as defined in 45 C.F.R. §400.111, who has met the federal eligibility standards for placement into the Unaccompanied Refugee Minor Program.

(14) This Emergency Rule will expire on August 20, 2025. PROPOSED EFFECTIVE DATE: May 22, 2025.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175 FS.

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

EFFECTIVE DATE: May 22, 2025

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

NOTICE IS HEREBY GIVEN that on May 20, 2025, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code, paragraph 61C-1.004(1)(a), Florida Administrative Code; and Section 5-203.13, 2017 FDA Food Code from Kava Villa Corp. located in Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees and the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the bathrooms and mop sink located within a nearby establishment under a different ownership for use by customers and employees.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Lee@myfloridalicense.com
Division of Hotels and Restaurants , 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on May 20, 2025, the Florida Department of Business and Professional Regulation, 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 Luigi's Catering Inc. 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 Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

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dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-32.003 Minimum Requirements for Board Approved Massage Therapy Schools

NOTICE IS HEREBY GIVEN that on May 19, 2025, the Board of Massage Therapy, received a petition for variance and waiver filed by Sara Bate. The Petitioner is seeking a variance or waiver of Rule 64B7-32.003, F.A.C., which lists the minimum course of study requirements for licensure. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

The Criminal Justice Professionalism Division and the CJSTC Officer Discipline Penalty Guidelines Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 4, 2025, 10:00 a.m. – 12:00 noon

PLACE: The CJSTC Microsoft Teams Meeting will be hosted by the Florida Department of Law Enforcement, 2331 Phillips Road, Room B1055, Tallahassee, Florida 32308. INSTRUCTIONS: Please join the Microsoft Teams Meeting 15 minutes before the scheduled meeting time. Individuals who wish to participate in the Microsoft Teams Meeting should use one of the options below with the Meeting ID: 251 907 144 512 - Passcode: 2Bz2hy2y

(1) +1(850)270-3999,736820172# United States, Tallahassee

(2) (833)461-0945,736820172# United States (Toll-free)

(3) Find a local number

Phone conference ID: 736 820 172#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal Justice Standards and Training Commission Officer Discipline Penalty Guidelines Taskforce will discuss possible revisions to the officer discipline penalty guidelines in Rule Chapter 11B-27.

A copy of the agenda may be obtained by contacting: Erica Gaines at (850)410-8645 or email at EricaGaines@fdle.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Erica Gaines at (850)410-8645 or email at EricaGaines@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

The Southwest Florida Regional Planning Council/LEPC District 9 announces a public meeting to which all persons are invited.

DATE AND TIME: May 22nd, 2025, 9:30 a.m., EST

PLACE: Virtual Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: EPCRA Workshop Presentation, Training and general LEPC matters.

PUBLIC AVAILABILITY OF HAZARDOUS MATERIAL INFORMATION

Pursuant to Section 324 of the Emergency Planning and Community Right-to-Know Act (EPCRA, also known as Title III of the Superfund Amendments and Reauthorization Act), the following information is available to the public upon request at the Southwest Florida Local Emergency Planning Committee (LEPC) during normal business hours.

- Local Emergency Planning Committee Hazardous Materials Emergency Response Plan
- Hazardous Chemical Inventory (Tier Two) Forms
- Hazards Analyses for Section 302 Facilities
- How-to-Comply Information for Hazardous Materials Users
- Safety Data Sheets
- Toxic Chemical Release Inventory Forms
- Emergency Release Follow-up Reports
- Other related information

To obtain information on the above items, please contact Asmaa Odeh at (844)988-8244 x706, email aodeh@swfrpc.org or visit www.swfrpc.org. The Southwest Florida LEPC serves Charlotte, Collier, Glades, Hendry, Lee, and Sarasota Counties.

A copy of the agenda may be obtained by contacting: Asmaa Odeh, aodeh@swfrpc.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 5 days before the workshop/meeting by contacting: Asmaa Odeh, aodeh@swfrpc.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: Asmaa Odeh, aodeh@swfrpc.org

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

The Board of Chiropractic Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, June 17, 2025, 2:00 p.m.

PLACE: Meet-Me Number: 1(888)585-9008/Public Participation Code: 136-103-141#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel (Reconsiderations)

A copy of the agenda may be obtained by contacting: <https://floridaschiropracticmedicine.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 of Chiropractic Medicine by phone at (850)245-4355 or via email at MQA.Chiropractic@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Board of Chiropractic Medicine by phone at (850)245-4355 or via email at MQA.Chiropractic@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a hearing to which all persons are invited.

DATE AND TIME: June 2, 2025, 11:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future reissuance of the \$15,500,000 Florida Housing Finance Corporation Multifamily Mortgage Revenue Note, 2021 Series K (Bridge Plaza Apartments) by Florida Housing to refinance the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Bridge Plaza Apartments, a 102-unit multifamily residential rental development located at 6916 Front Beach Road, Panama City Beach, Bay County, FL 32407. The owner and operator of the development is SP Bay LLC, located at 5403 West Gray Street, Tampa, FL 33609 or such successor in interest in which SP Bay LLC or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The manager of the proposed development is Cambridge Management, Inc d/b/a Cambridge Management of Washington, Inc., located at 5403 West Gray Street, Tampa, FL 33609. The tax-exempt note amount is not to exceed \$15,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential note issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 28, 2025, and should be addressed to the attention of Tim Kennedy, Multifamily Loans and Bonds Director. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Tim Kennedy, Multifamily Loans and Bonds Director, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

A copy of the agenda may be obtained by contacting: Tim Kennedy, Multifamily Loans and Bonds Director
For more information, you may contact: Tim Kennedy, Multifamily Loans and Bonds Director

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:RULE TITLES:

68B-27.013 Definitions

68B-27.014 Statewide Bag Limits on Oyster Harvesting

68B-27.015 Oyster Size Limit

68B-27.016 Oyster Harvest Monitoring

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions

68B-27.0175 West Bay (Bay County) Oyster Harvesting Restrictions

68B-27.018 Statewide Harvesting Restrictions

68B-27.019 Seasons

68B-27.020 Applicability to Oysters on Leased Parcels

The Florida Fish and Wildlife Conservation Commission announces a workshop to which all persons are invited.

DATE AND TIME: June 3, 2025, 6:00 p.m. – 8:00 p.m. (ET)

PLACE: Chapman Auditorium, 155 Avenue E, Apalachicola FL 32320. Parking lot accessible from Highway 98.

If you have questions regarding this workshop, please contact the Division of Marine Fisheries Management at (850)487-0554 for more information.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission (FWC) is holding an in-person public workshop to gather input on regulation and management of commercial and recreational oyster harvest in Florida, and specifically in Apalachicola Bay. FWC is seeking input on licensing requirements for fishery participants, bag limits, seasons, tolerances for undersized attached and unattached oysters, enforcement of undersized oysters in a certified oyster house, modifying how harvest units are measured. Staff will provide a presentation on oyster management. Public feedback gathered during this workshop will be considered when developing rule recommendations for the Commission.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jessica McCawley, at 620 South Meridian St., Tallahassee, Florida 32399, (850)487-0554.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-2.006 Restricted Species Endorsement

The Florida Fish and Wildlife Conservation Commission announces a workshop to which all persons are invited.

DATE AND TIME: June 3, 2025, 6:00 p.m. – 8:00 p.m. (ET)

PLACE: Chapman Auditorium, 155 Avenue E, Apalachicola FL 32320. Parking lot accessible from Highway 98.

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FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-2.006 Restricted Species Endorsement

The Florida Fish and Wildlife Conservation Commission announces a workshop to which all persons are invited.

DATE AND TIME: June 5, 2025, 6:00 p.m. – 8:00 p.m. (ET)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission (FWC) is holding a public workshop to gather input on regulation and management of commercial and recreational oyster harvest in Florida, and specifically in Apalachicola Bay. FWC is seeking input on licensing requirements for fishery participants, bag limits, seasons, tolerances for undersized attached and unattached oysters, enforcement of undersized oysters in a certified oyster house, modifying how harvest units are measured. Staff will provide a presentation on oyster management. Public feedback gathered during this workshop will be considered when developing rule recommendations for the Commission.

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For more information, you may contact: Jessica McCawley, 620 South Meridian St., Tallahassee, Florida 32399, (850)487-0554.

FISH AND WILDLIFE CONSERVATION COMMISSION Marine Fisheries

RULE NOS.:RULE TITLES:

- 68B-27.013 Definitions
- 68B-27.014 Statewide Bag Limits on Oyster Harvesting
- 68B-27.015 Oyster Size Limit
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For more information, you may contact: Jessica McCawley, at 620 South Meridian St., Tallahassee, Florida 32399, (850)487-0554.

SUNSHINE STATE ONE CALL OF FLORIDA

The Sunshine State One Call of Florida, Inc., d/b/a Sunshine 811 announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2025, 12:00 Noon - 1:30 p.m..

PLACE: This meeting will be held in-person and virtually.

In Person – registration required due to limited space

Tampa Bay Regional Damage Prevention Council

GeoPoint Survey, 10210 Highland Manor Drive, Suite 150, Tampa, FL 33610

Register to attend in person here:
<https://app.coursettra.com/4iq/publicseminar/TBDPC20250604>

Virtual

Register to attend virtually here:
<https://attendee.gotowebinar.com/register/3227126448136509015>

Audio and video quality are not assured. In-person attendance is recommended.

After registering, you will receive a confirmation email containing information about joining the webinar.

Brought to you by GoTo Webinar® Webinars Made Easy®
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Brief update from Sunshine 811, issues within the 811-system brought forth by attendees for discussion and collaboration.

A copy of the agenda may be obtained by contacting: Brian Dean, Safety Education Liaison, brian.dean@sunshine811.com

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

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 received the petition for declaratory statement from David C. Ashburn, on May 19, 2025, on behalf of Juno Point Property Owner, LLC. The petition seeks the agency's opinion as to the applicability of FFPC Section 10.10.6.3 and FFPC 10.1.6 as it applies to the petitioner.

Is the installation of Grills in the manner described in the Petition for Declaratory Statement, and in accordance with FFPC Section 10.10.6.3 required to be permitted and cannot be rejected based on FFPC 10.1.6?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Sarah Marcos, Sarah.Marcos@myfloridacfo.com

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from PayZen, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 516, 520, 559, Florida Statutes as it applies to the petitioner.

On May 19, 2025, the Office of Financial Regulation (Consumer Finance) received a Petition for Declaratory Statement from PayZen, Inc. The petition seeks a declaratory statement from the Office on whether Petitioner's proposed activities (to offer patients closed-end installment loans, to finance the purchase of medical services not covered by insurance) would require licensure under Chapter 516, 520, or 559, Florida Statutes. Except for good cause shown, motions

for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

Invitation to Bid BDC57-24/25 Suwannee River Wilderness Trail - Overlooks & Boardwalks Repairs

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and

Construction, is soliciting formal, competitive, sealed bids from contractors for bid number BDC57-24/25 Suwannee River Wilderness Trail - Overlooks & Boardwalks Repairs. More info @ <https://tinyurl.com/5xravwpv>.

AULD & WHITE CONSTRUCTORS, LLC.

DCPS - Frank H. Peterson - Agriculture Renovation

Auld & White Constructors, LLC, in conjunction with DCPS, will be accepting SEALED proposals, which will be received until 2:00 p.m., June 12, 2025, date of public bid opening, at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216.

Project includes: 6,650 SF interior renovation and 2,400 SF pre-engineered pole barn. Trades include demolition, fencing, concrete, masonry, millwork, doors & hardware, overhead doors, storefront, stucco, gypsum assemblies, flooring, epoxy flooring, polished flooring, painting, specialties, canopies, window film, and MEP systems.

Public Bid Opening: June 12, 2025, at 2:00 p.m.

Project includes a participation GOAL of 10% SBE & 10% MBE (African American or Hispanic American). Subcontractors who intend to perform work as a registered SBE or MBE must include the attached OEO Form 2 with their proposals.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid, in writing, no later than 2:00 p.m., June 5, 2025, date one week prior to bid opening. Interested Bidders who fail to notify Auld & White Constructors, LLC, of their intent to bid by the date referenced above MAY NOT be permitted to bid. Bid drawings and specifications will be available on Auld & White Constructors, LLC's website (www.auld-white.com), on May 20, 2025, date we posted bid on website. All interested bidders shall submit their Notice of Intent to awcestimating@auld-white.com.

DCPS and Auld & White Constructors, LLC are committed to providing equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE OF UNSOLICITED PROPOSAL FOR A PUBLIC-PRIVATE PARTNERSHIP OPPORTUNITY: S1 CANAL CHANNEL ENHANCEMENT FOR REGIONAL WATER QUALITY IMPROVEMENT

Martin County, Florida

NOTICE OF UNSOLICITED PROPOSAL FOR PUBLIC-PRIVATE PARTNERSHIP (P3)

Address: 2401 SE Monterey Road, Stuart, Florida 34996

Hours of Operation: Monday – Friday, 8:00 a.m. – 5:00 p.m.

LEGAL NOTICE

NOTICE OF UNSOLICITED PROPOSAL FOR A PUBLIC-PRIVATE PARTNERSHIP OPPORTUNITY: S1 CANAL CHANNEL ENHANCEMENT FOR REGIONAL WATER QUALITY IMPROVEMENT

Martin County, a political subdivision of the State of Florida (County), has received an unsolicited proposal submitted pursuant to those provisions set forth within Section 255.065, Florida Statutes, Public-Private Partnerships for the design, construction, maintenance, and financing of the S-1 CANAL CHANNEL ENHANCEMENT WATER QUALITY PROJECT (Project).

The unsolicited proposal has been deemed a qualifying project in accordance with Section 255.065, Florida Statutes. In compliance with the Section 255.065(3)(b)(1), Florida Statutes, the County is legally required to publish notice of receipt of the unsolicited proposal and will accept, for consideration, other proposals for the same project.

The site for the Project is located at Martin County Property Appraiser Parcel Numbers 29384000000000112 and 32384000000000107. The Project goal is to improve nutrient load reductions, specifically total nitrogen, total phosphorus, and total suspended solids, discharged into the C-44 Canal and the St. Lucie River. The Project is intended to demonstrate that canal channel enhancement can serve as an effective and productive best management practice for nutrient reduction in both urban and agricultural settings. The Respondent will be responsible for securing project financing and may pursue publicly available funding sources and/or funding mechanisms available to local governments.

Respondents with interest to submit a proposal under the provisions of Section 255.065, Florida Statutes, are invited to submit a proposal for design, construction, operation, maintenance, and financing of the Project. The prospective proposal(s) shall include all information, materials and requirements that are mandated pursuant to Section 255.065, Florida Statutes. All competing proposal(s) must include a non-refundable application fee of \$2,000 with the proposal.

Proposals must include one (1) original hard copy and (1) electronic copy in a sealed parcel labeled "S-1 Channel Enhancement Water Quality Project" and marked with the proposer's name and address. The proposals shall be submitted no later than (21) days from the date of the initial notice (5/21/2025) and shall be mailed, expressed mailed or hand delivered to:

Martin County Board of County Commissioners, Purchasing Division, 2401 SE Monterey Road, Stuart, FL 34996

The County reserves the absolute right to reject any or all proposals, or as provided under Section 255.065, Florida

Statutes, award and negotiate a final agreement, should a proposal best serve the interests of the County. However, this notice provides no commitment or obligation by the County to enter into any final agreement regarding the Project. The Martin County Board of County Commissioners shall have final decision-making authority concerning any final award, which award shall be at their sole and absolute discretion. All communications regarding the project must be submitted to the Martin County Purchasing Division at pur_div@martin.fl.us or to the addressed posted above.

All proposals and related information received will be subject to applicable provisions of the Florida Public Records Law, and to any applicable procurement statutes of the State of Florida and/or ordinances of Martin County.

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., Wednesday, May 14, 2025, and 3:00 p.m., Tuesday, May 20, 2025.

Rule No.	File Date	Effective Date
5E-3.021	5/15/2025	6/4/2025
53ER25-25	5/15/2025	5/19/2025
53ER25-26	5/15/2025	5/19/2025
53ER25-27	5/15/2025	5/19/2025
53ER25-28	5/15/2025	5/19/2025
59A-35.060	5/16/2025	6/5/2025
59C-1.008	5/16/2025	6/5/2025
64ER25-1	5/15/2025	5/15/2025
64B8-13.005	5/15/2025	6/4/2025
65CER22-1	5/20/2025	5/22/2025
65G-11.001	5/16/2025	6/5/2025
65G-11.003	5/16/2025	6/5/2025
65G-11.004	5/16/2025	6/5/2025
68B-14.004	5/20/2025	5/20/2025
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 COMMERCE

Division of Community Development
Commerce Final Order No. COM-25-014

FINAL ORDER

APPROVAL LAKE COUNTY ORDINANCE NO. 2025-15

The Florida Department of Commerce (“Department”) hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, approving land development regulations adopted by the Lake County, Florida (the “County”), Ordinance No. 2025-15 (the “Ordinance”).

FINDINGS OF FACT

- 1.The Green Swamp Area is designated by section 380.0551, Florida Statutes, as an area of critical state concern. The County is a local government within the Green Swamp Area.
- 2.The Ordinance was adopted by the County on March 25, 2025, and rendered to the Department on April 1, 2025.
- 3.The Ordinance amends Chapter II of the Lake County Code, entitled Definitions, to include definitions for a Resiliency Facility and a Solar Facility.
- 4.In addition, the Ordinance amends Section 3.01.03 of the Lake County Code, entitled Schedule of Permitted and Conditional Uses, to add Solar Facilities as a permitted use in the Agricultural Zoning District and Resiliency Facilities as a permitted use in the Commercial and Industrial Zoning Districts.

CONCLUSIONS OF LAW

- 5.The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See, section 380.05(6), Florida Statutes.
6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. See, section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
7. The Ordinance is consistent with the County’s Comprehensive Plan as required by Section 163.3177(1), Florida Statutes, generally, and is specifically consistent with Objective III-4.2, Policy III-4.2.1, Policy III-4.2.3, and Policy VI-1.2.11.
8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. See Section 380.05(6), Florida Statutes.
9. The Principles for Guiding Development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code.

10. The Ordinance is consistent with the Principles for Guiding Development in Rule 28-26.003, Florida Administrative Code, as a whole

WHEREFORE, IT IS ORDERED that the Department finds that the Lake County Ordinance No. 2025-15 is consistent with the Lake County's Comprehensive Plan and the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and is hereby APPROVED.

This Final Order becomes final 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ Justin Domer, Justin Domer, Deputy Secretary, Division of Community Development, Florida Department of Commerce

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS FINAL ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE FLORIDA DEPARTMENT OF COMMERCE WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK, FLORIDA DEPARTMENT OF COMMERCE, OFFICE OF THE GENERAL COUNSEL, 107 EAST MADISON ST., MSC 110, TALLAHASSEE, FLORIDA 32399-4128, FAX (850)921-3230, AGENCY.CLERK@COMMERCE.FL.GOV

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 20th day of May 2025.

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

By U.S. Mail:

The Honorable Leslie Campione, Chairman, Lake County Board of County Commissioners, P.O. Box 7800, Tavares, FL 32778

The Honorable Gary J. Cooney, Clerk of the Circuit Court and Comptroller, Lake County, P.O. Box 7800, Tavares, FL 32778.

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.