

## Section I

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

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE NO.: RULE TITLE:

59G-8.600 Disenrollment from Managed Care Plans

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-8.600, Florida Administrative Code, (F.A.C.), is to clarify reasons wherein an enrollee may request to change managed care plans. The amendment updates citations from section 409.969, Florida Statutes (F.S.) and Title 42, Code of Federal Regulations (CFR), and specifies disenrollment requirements.

SUBJECT AREA TO BE ADDRESSED: Disenrollment from Managed Care Plans.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-8.600, F.A.C., will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.961 FS.

LAW IMPLEMENTED: 409.969 FS.

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

DATE AND TIME: August 17, 2020 from 9:00 a.m. to 9:30 a.m.

PLACE: Remote Listeners: Attendees may register for the workshop at: <https://attendee.gotowebinar.com/register/698394801429967629>. After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available. 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: MedicaidRuleComments@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: MedicaidRuleComments@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be

received until 5:00 p.m. on August 18, 2020 and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.600 Disenrollment from Managed Care Plans.

(1) Purpose. A Florida Medicaid recipient (herein referred to as an enrollee) who is required to enroll in the Statewide Medicaid Managed Care (SMMC) program, may request to change managed care plans. Requests must be submitted via telephone or in writing to the Agency for Health Care Administration (AHCA) or its enrollment broker. Enrollees required to enroll in SMMC programs should not interpret this rule as an exemption from participation in Florida Medicaid's SMMC program. This rule applies to the process and reasons that SMMC managed care plan enrollees may change plans.

(2) Requests for disenrollment must be completed in accordance with sections 409.969(2)(a), (b), and (d), Florida Statutes (F.S.), and Title 42, Code of Federal Regulations (CFR), section 438.56 (42 CFR 438.56).

(3) ~~For Good Cause Reasons.~~

(a) ~~Reasons outlined in The following reasons per 42 CFR 438.56(d)(2) and section 409.969(2), F.S., constitute good cause for disenrollment at any time from a managed care plan:~~

~~1. The enrollee is receiving a medically necessary, active and continuing course of treatment from a provider that is not in the managed care plan's network, but is in the network of the managed care plan requested by the enrollee.~~

~~1.2. The managed care plan does not cover the service the enrollee seeks because of moral or religious objections.~~

~~2.3. The enrollee would have to change his or her residential or institutional provider based on the provider's change in status from an in-network to an out-of-network provider with the managed care plan.~~

~~3.4. Fraudulent enrollment.~~

(b) ~~Reasons outlined in The following reasons, per 42 CFR 438.56(d)(2) and section 409.969(2), F.S., as confirmed by AHCA, constitute good cause for disenrollment from a managed care plan when the enrollee first seeks resolution through the managed care plan's grievance process, as confirmed by AHCA, in accordance with 42 CFR Section 438.56(d)(5), except when there is an allegation of immediate risk of permanent damage to the enrollee's health; is alleged.~~

1. The enrollee needs related services to be performed concurrently, but not all related services are available within the managed care plan's network, and the enrollee's primary care provider or another provider has determined that receiving the services separately would subject the enrollee to unnecessary risk.

- 2. Poor quality of care.
- 3. Lack of access to services covered under the managed care plan’s contract with AHCA, including lack of access to medically-necessary specialty services.
- 4. There is a lack of access to managed care plan providers experienced in dealing with the enrollee’s health care needs.
- 5. The enrollee experienced an unreasonable delay or denial of service pursuant to section 409.969(2), F.S.

(4) The Agency for Health Care Administration, or its designee, will review any relevant documentation submitted by the enrollee or the managed care plan regarding the disenrollment request and make a final determination about whether to grant the disenrollment request. The Agency for Health Care Administration will send written correspondence to the enrollee of any disenrollment decision. Enrollees dissatisfied with AHCA’s determination may request a Florida Medicaid fair hearing, pursuant to 42 CFR Part 431, Subpart E.

(5) This rule is effective for five years after the effective date.

Rulemaking Authority 409.961 FS. Law Implemented 409.969 FS. History—New 2-26-09, Amended 11-8-16, 1-30-19,\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-21.001	Standards
5J-21.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels
5J-21.003	Registration and Identification
5J-21.004	Motor Fuel Price Posting
5J-21.005	Inaccurate Measuring Devices
5J-21.006	Inspection Identification Stickers
5J-21.007	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 Meter Sealing Requirements, and Other Related Requirements
5J-21.008	Guidelines for Imposing Administrative Penalties

**PURPOSE AND EFFECT:** The changes proposed herein update adopted versions of ASTM International Designations and correct outdated rule references; adjust allowances for

MTBE and sulfur; harmonize the levels of allowed methanol and butanol with EPA levels and update petroleum labeling requirements. Additionally, the changes remove unnecessary form references, clarify the minimum size for prices posted on roadside signs, clarify requirements for registered meter mechanics and service agencies, amend the allowable level of water in petroleum storage tanks and remove duplicative requirements, update penalties, harmonize violations with other department rules, update, modernize and clarify language throughout the rule chapter.

**SUMMARY:** The proposed amendments update adopted versions of ASTM International Designations and outdated references to Rule Chapters 5F-2 and 5F-10 with correct references to 5J-22.001 and 5J-22.002, F.A.C.; adjust standards and labeling requirements for diesel and alternative fuels, modify allowable levels of methanol, butanol and MTBE in gasoline and gasoline blends and harmonize the allowable level of water in petroleum storage tanks with the NCWM nationally adopted standard. Eliminate unnecessary form numbers, clarify the minimum size for prices posted on roadside signs, clarify reporting and sealing iron requirements for registered meter mechanics and service agencies, add Tier I and Tier II language to the minor and major violation designations to harmonize with other bureau programs and rules, update, modernize, clarify and remove unnecessary and duplicative language and requirements throughout the rule chapter.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION:

The Agency has determined that these rules 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 rules. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rules are not expected to require legislative ratification based on the statement of estimated regulatory costs or, if no SERC is required, the information expressly relied upon and described herein: The department’s economic analysis of the adverse impact of potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The proposed amendments will not add any cost to regulated businesses or the department. No interested party submitted additional information regarding the economic impact.

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

**RULEMAKING AUTHORITY:** 525.14, 526.09, 526.141(5)(b), 531.40, 531.41(3), 531.42, 570.07(23) FS.

LAW IMPLEMENTED: 525.01, 525.07, 525.09, 525.035, 525.037, 525.14, 525.16, 526.01, 526.141(5)(b), 531.40, 531.42, 531.44, 570.971(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE: Harold Prince, Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570.

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-21.001 Standards.

(1) Gasoline (includes gasoline blended with oxygenates). The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International Designation D4814-20a (approved April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel", with the following exceptions, providing that the base gasoline used under the exceptions conforms to the chemical and physical standards for gasoline as set forth in ASTM International Designation D4814-20a (approved April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel" except where noted:

1. Vapor Pressure Class Requirements: ~~a.~~ Gasoline containing at least one (1) percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum from September 16 through May 31 (not applicable for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals for the month of May). From June 1 (May 1 for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals) through September 15, gasoline blends containing ethanol shall conform to the vapor pressure class requirements and are entitled to the permissible increases provided by the Environmental Protection Agency (EPA) and outlined in ASTM International Designation D4814-20a (approved April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

~~b. Gasoline subject to the Class AA Vapor Pressure Requirements shall only be required to meet the Class A Vapor Pressure Requirements.~~

2. If, prior to blending with ethanol, the base gasoline has either a maximum distillation temperature at the fifty volume percent evaporated distillation point of up to 10° F above the maximum or has a driveability index (DI) of up to 30 above the maximum, as stated for the proper distillation class in ASTM International Designation D4814-20a (approved April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel", or has both, the fuel may be sold, distributed or offered for sale or distribution provided that the department is contacted at (850)921-1545 prior to exercising this option and is provided with a documented company statement attesting to and demonstrating the following:

a. No change.

b. The base gasoline meets all other specifications for spark-ignition engine fuels as set forth in ASTM International Designation D4814-20a (approved April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

c. No change.

d. The fuel will be tested by the owner after blending (hand blend samples are acceptable), but before selling, distributing, offering for sale or distribution, and it shall be demonstrated that the fuel meets all specifications for gasoline as defined in ASTM International Designation D4814-20a (April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel", which shall be displayed on a certificate of analysis or laboratory report. Such documentation must be made available to the department upon request.

e. No change.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D4814-20a (approved April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. ~~The Environmental Protection Agency has approved the use of gasoline containing up to 15% ethanol, by volume, in model year 2001 and newer vehicles.~~ The total ethanol content of gasoline shall not exceed fifteen percent (15%), by volume; or

2. The total methanol with and ~~and~~ co-solvents content of gasoline shall not exceed seven and one half ten ~~ten~~ percent (7.5%)(10%), where methanol does not exceed five percent

(5%) and the co-solvents do not exceed two and one half percent (2.5%), by volume; or

3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed ~~two fifteen~~ percent (2%)(15%), by volume; or

4. No change.

5. The total butanol content of gasoline shall not exceed twelve and one a half percent (12.5%), by volume.

(d) through (e) No change.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International Designation D3699-19 (approved December 15, 2019)~~D3699-13a~~ (approved June 15, 2013), “Standard Specification for Kerosine.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D3699-19 (approved December 15, 2019)~~D3699-13a~~ (approved June 15, 2013), “Standard Specification for Kerosine.”

(3) Diesel Fuels ~~Oils~~ No. 1-D and No. 2-D. The following specifications apply to diesel fuels ~~oils~~ No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuels ~~oils~~ No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuels ~~oils~~ No. 1-D and No. 2-D as set forth in ASTM International Designation D975-20a (approved June 1, 2020)~~D975-13~~ (approved May 1, 2013), “Standard Specification for Diesel Fuel ~~Oils~~.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D975-20a (approved June 1, 2020)~~D975-13~~ (approved May 1, 2013), “Standard Specification for Diesel Fuel ~~Oils~~.”

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International Designation D396-20 (approved June 1, 2020)~~D396-13a~~ (approved June 15, 2013), “Standard Specification for Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D396-20 (approved June 1, 2020)~~D396-13a~~ (approved June 15, 2013), “Standard Specification for Fuel Oils.”

(5) Alternative Fuels.

(a) Denatured Ethanol.

1. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International Designation D4806-20 (approved May 1, 2020)~~D4806-13a~~ (approved June 15, 2013), “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D4806-20 (approved May 1, 2020)~~D4806-13a~~ (approved June 15, 2013), “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

(b) Methanol Fuel Blends (51 to 85 volume percent methanol). ~~Methanol, Other Alcohols, Mixtures of Methanol or Mixtures of Other Alcohols. M85 Fuel Methanol.~~ The following specifications apply to ~~M85 Fuel~~ Methanol Fuel Blends (51 to 85 volume percent methanol) sold or offered for sale in Florida.

1. Standards. All ~~M85 Fuel~~ Methanol Fuel Blends (51 to 85 volume percent methanol) shall conform to the chemical and physical standards for ~~Fuel~~ Methanol Fuel Blends (51 to 85 volume percent methanol) as set forth in the ASTM International Designation D5797-18 (approved December 1, 2018)~~D5797-13~~ (approved June 15, 2013), “Standard Specification for Methanol Fuel Blends (M51-M85) ~~Methanol (M70-M85)~~ for Methanol-Capable Automotive Spark-Ignition Engines” ~~with the following addition: All M85 Fuel Methanol and~~ shall conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5J-21.001(1), F.A.C.

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D5797-18 (approved December 1, 2018)~~D5797-13~~ (approved June 15, 2013), “Standard Specification for Methanol Fuel Blends (M51-M85) ~~Methanol (M70-M85)~~ for Methanol-Capable Automotive Spark-Ignition Engines.”

(c) Mixtures of Denatured Ethanol.

1. Ethanol Fuel Blends (51 to 83 volume percent ethanol). The following specifications apply to Ethanol Fuel Blends (51 to 83 volume percent ethanol) sold or offered for sale in Florida.

a. Standards. All Ethanol Fuel Blends (51 to 83 volume percent ethanol) shall conform to the chemical and physical standards for Ethanol Fuel Blends (51 to 83 volume percent ethanol) as set forth in the ASTM International Designation D5798-20 (approved May 1, 2020)~~D5798-13a~~ (approved June 15, 2013), “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines” and shall

conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5J-21.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D5798-20 (approved May 1, 2020) ~~D5798-13a~~ (approved June 15, 2013), “Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines.”

2. Mid-Level Ethanol Blends. The following specifications shall apply to automotive spark-ignition engine fuels with ethanol concentrations greater than that which is permitted in subsection 5J-21.001(1), F.A.C., and less than that which is permitted in subparagraph 5J-21.001(5)(c)1., F.A.C., sold or offered for sale in Florida.

a. Standards. All mid-level ethanol blends shall conform to the practices as set forth in the ASTM International Designation D7794-20 (approved July 1, 2020) ~~D7794-12~~ (approved April 15, 2012), “Standard Practice for Blending Mid-Level Ethanol Fuel Blends for Flexible-Fuel Vehicles with Automotive Spark-Ignition Engines” and shall conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5J-21.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D7794-20 (approved July 1, 2020) ~~D7794-12~~ (approved April 15, 2012), “Standard Practice for Blending Mid-Level Ethanol Fuel Blends for Flexible-Fuel Vehicles with Automotive Spark-Ignition Engines.”

(d) Fuels, other than alcohol, derived from biological materials:

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100) and B99 (99% biodiesel and 1% diesel fuel by volume). The following specifications apply to biodiesel and B99 sold or offered for sale in Florida.

a. Standards. Biodiesel and B99 shall meet the specifications set forth by ASTM International Designation D6751-20 (approved January 1, 2020) ~~D6751-12~~ (approved August 1, 2012), “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels.”

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D6751-20 (approved January 1, 2020) ~~D6751-12~~ (approved August 1, 2012), “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels.”

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this subparagraph section.

a. Standards. Biodiesel blends containing diesel fuel and 6% or more biodiesel shall meet the specifications set forth by ASTM International Designation D7467-20a (approved June 1, 2020) ~~D7467-13~~ (approved May 1, 2013), “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”

b. Standards. Biodiesel blends containing diesel fuel and less than 6% biodiesel shall meet the specifications set forth by ASTM International Designation D975-20a (approved June 1, 2020) ~~D975-13~~ (approved May 1, 2013), “Standard Specification for Diesel Fuel Oils.”

c. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International Designation D396-20 (approved June 1, 2020) ~~D396-13a~~ (approved June 15, 2013), “Standard Specification for Fuel Oils.”

d. Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel and 6% or more biodiesel, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D7467-20a (approved June 1, 2020) ~~D7467-13~~ (approved May 1, 2013), “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”

e. Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel and less than 6% biodiesel, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D975-20a (approved June 1, 2020) ~~D975-13~~ (approved May 1, 2013), “Standard Specification for Diesel Fuel Oils.”

f. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D396-20 (approved June 1, 2020) ~~D396-13a~~ (approved June 15, 2013), “Standard Specification for Fuel Oils.”

(e) Butanol:

1. Standards. All butanol shall conform to the chemical and physical standards for butanol as set forth in the ASTM International Designation D7862-19 (approved May 1, 2019) ~~D7862-13~~ (approved June 15, 2013), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel.”

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D7862-19 (approved May 1, 2019) ~~D7862-13~~ (approved June 15, 2013), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel.”

(6) Water in Retail Storage Tanks.

(a) Water in retail storage tanks containing petroleum fuels products, with the exception of products listed in paragraph

(6)(b), enumerated in this rule shall not exceed ~~one~~ two inches in depth when measured from the bottom of the tank.

(b) Water in retail storage tanks containing gasoline blended with 1% or more ethanol, by volume; Ethanol Fuel Blends E85; Methanol Fuel Blends M85; biodiesel; or biodiesel blends containing 1% ~~6%~~ or more biodiesel, by volume, shall not exceed one quarter inch in depth when measured from the bottom of the tank.

(7) Compressed Natural Gas (CNG) and Liquefied Natural Gas (LNG) ~~Standards. The National Institute of Standards and Technology (NIST) Handbook 44 (2014 Edition), Sections 1.10 General Code; 3.33 Hydrocarbon Gas Vapor Measuring Devices; and 3.37 Mass Flow Meters are hereby adopted by reference for compressed natural gas (CNG) and liquefied natural gas (LNG) dispensing systems. A copy of this handbook may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Stop 2100, Gaithersburg, MD 20899-2100 or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03830>. The National Institute of Standards and Technology (NIST) Handbook 130 (2014 Edition), Introduction and Section 2.27 of the Uniform Regulation for the Method of Sale of Commodities are hereby adopted by reference for the sale of compressed natural gas (CNG) and liquefied natural gas (LNG). A copy of this handbook may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Stop 2100, Gaithersburg, MD 20899-2100 or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03831>. These codes are also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Tallahassee, FL 32399-1650.~~

(a) The general codes for CNG and LNG as enumerated in the National Institute of Standards and Technology (NIST) Handbook 44, as incorporated by reference in Rule 5J-22.002, F.A.C.

(b) The Uniform Regulation for the Method of Sale of Commodities for CNG and LNG as enumerated in the National Institute of Standards and Technology (NIST) Handbook 130, as incorporated by reference in Rule 5J-22.003, F.A.C.

(8) In accordance with Section 525.035, F.S., any petroleum fuel that fails to meet applicable labeling requirements, as adopted in ~~this the rule~~ chapter, shall be placed under Stop Sale Order by the department ~~using FDACS-03206, Stop Sale Order, Rev. 12/12, hereby incorporated by reference. Samples of this form may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03832>.~~ The measuring devices and storage tanks of said product shall be sealed by the department ~~with FDACS-03537, Warning Tag, Rev. 08/12, hereby incorporated by reference~~ prohibiting the

sale of the petroleum fuel. ~~Samples of this form may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03833>. The petroleum fuel shall be released by the department from the Stop Sale Order in accordance with Section 525.035, F.S., using FDACS-03209, Release, Rev. 01/09, hereby incorporated by reference. Samples of this form may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03834>.~~

(9) In accordance with Section 525.037, F.S., any petroleum fuel that fails to meet applicable standards, as adopted in this rule chapter, shall be placed under Stop Sale Order by the department ~~using FDACS-03206, Stop Sale Order, Rev. 12/12, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the department with FDACS-03537, Warning Tag, Rev. 08/12, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the department from the Stop Sale Order in accordance with Section 525.037, F.S., using FDACS-03209, Release, Rev. 01/09. The documents referenced in this subsection are adopted in subsection (8) above.~~

(10) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org> and are also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of the following materials on the internet for purposes of public examination would violate federal copyright law.

(a) ASTM International Designation D4814-20a (approved April 1, 2020)~~D4814-13a (approved June 15, 2013)~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) ASTM International Designation D3699-19 (approved December 15, 2019)~~D3699-13a (approved June 15, 2013)~~, "Standard Specification for Kerosine."

(c) ASTM International Designation D975-20a (approved June 1, 2020)~~D975-13 (approved May 1, 2013)~~, "Standard Specification for Diesel Fuel Oils."

(d) ASTM International Designation D396-20 (approved June 1, 2020)~~D396-13a (approved June 15, 2013)~~, "Standard Specification for Fuel Oils."

(e) ASTM International Designation D4806-20 (approved May 1, 2020)~~D4806-13a (approved June 15, 2013)~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(f) ASTM International Designation D5798-20 (approved May 1, 2020)~~D5798-13a (approved June 15, 2013)~~, "Standard

Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines.”

(g) ASTM International Designation D5797-18 (approved December 1, 2018)~~D5797-13~~ (approved June 15, 2013), “Standard Specification for Methanol Fuel Blends (M51-M85) Methanol (M70-M85) for Methanol-Capable Automotive Spark-Ignition Engines.”

(h) ASTM International Designation D6751-20 (approved January 1, 2020)~~D6751-12~~ (approved August 1, 2012), “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels.”

(i) ASTM International Designation D7467-20a (approved June 1, 2020)~~D7467-13~~ (approved May 1, 2013), “Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20).”

(j) ASTM International Designation D7794-20 (approved July 1, 2020)~~D7794-12~~ (approved April 15, 2012), “Standard Practice for Blending Mid-Level Ethanol Fuel Blends for Flexible-Fuel Vehicles with Automotive Spark-Ignition Engines.”

(k) ASTM International Designation D7862-19 (approved May 1, 2019)~~D7862-13~~ (approved June 15, 2013), “Standard Specification for Butanol for Blending with Gasoline for Use as Automotive Spark-Ignition Engine Fuel.”

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.01, 525.035, 525.037, 525.14 FS. History—New 1-15-68, Amended 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, 5-6-08, 1-3-10, 4-3-14, 1-7-15, Formerly 5F-2.001, Amended \_\_\_\_\_.

5J-21.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuels Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) Gasoline. All gasoline found not meeting any standard adopted in subsection 5J-21.001(1), F.A.C.; any other standard pertaining to gasoline adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section in accordance with the procedures in subsections 5J-21.001(8) and (9), F.A.C.~~(6) and (7)~~.

(2) Kerosene. All kerosene found not meeting any standard adopted in subsection 5J-21.001(2), F.A.C.; any other standard pertaining to kerosene adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section in accordance with the procedures in subsections 5J-21.001(8) and (9), F.A.C.~~(6) and (7)~~.

(3) Diesel Fuels Oils No. 1-D and No. 2-D. All Diesel Fuels Oils No. 1-D and No. 2-D found not meeting any standard adopted in subsection 5J-21.001(3), F.A.C.; any other standard

pertaining to Diesel Fuel Oils No. 1-D and No. 2-D adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section in accordance with the procedures in subsections 5J-21.001(8) and (9), F.A.C.~~(6) and (7)~~.

(4) Fuel Oils No. 1 and No. 2. All Fuel Oils No. 1 and No. 2 found not meeting any standard adopted in subsection 5J-21.001(4), F.A.C.; any other standard pertaining to Fuel Oils No. 1 and No. 2 adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section in accordance with the procedures in subsections 5J-21.001(8) and (9), F.A.C.~~(6) and (7)~~.

(5) Alternative Fuels. All alternative fuels found not meeting any standard adopted in subsection 5J-21.001(5), F.A.C.; any other standard pertaining to alternative fuels adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section in accordance with the procedures in subsections 5J-21.001(8) and (9), F.A.C.~~(6) and (7)~~.

~~(6) In accordance with Section 525.035, F.S., any petroleum fuel that fails to meet applicable labeling requirements, as adopted in this rule, shall be placed under Stop Sale Order by the department using FDACS-03206, Stop Sale Order, Rev. 12/12, and the measuring devices and storage tanks of said product shall be sealed by the department with FDACS-03537, Warning Tag, Rev. 08/12, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the department from the Stop Sale Order in accordance with Section 525.035, F.S., using FDACS-03209, Release, Rev. 1/09. The documents referenced in this subsection are incorporated by reference in Rule 5J-21.001, F.A.C.~~

~~(7) In accordance with Section 525.037, F.S., any petroleum fuel that fails to meet applicable standards, as adopted in this rule, shall be placed under Stop Sale Order by the department using FDACS-03206, Stop Sale Order, Rev. 12/12, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the department with FDACS-03537, Warning Tag, Rev. 08/12, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the department from the Stop Sale Order in accordance with Section 525.037, F.S., using FDACS-03209, Release, Rev. 01/09. The documents referenced in this subsection are incorporated by reference in Rule 5J-21.001, F.A.C.~~

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.035, 525.037, 525.16 FS. History—New 7-1-71, Amended 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.002, Amended \_\_\_\_\_.

## 5J-21.003 Registration and Identification.

(1) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 CFR Part 306.12 (1-1-19 ~~4-1-12~~ Edition), which is hereby incorporated by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Publishing Office, 732 N. Capitol Street NW, Washington, D.C. 20401 ~~20402~~, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04786>.

(2) through (4) No change.

(5) Every retail diesel fuel dispenser shall ~~have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto and in accordance with 40 CFR Parts 80.570-80.574 (7-1-13 Edition), which is hereby incorporated by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04787>~~ be conspicuously labeled "diesel". The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser.

(6)(a) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, ~~methanol, or a combination~~ shall be identified as "contains 10% or less ethanol" or "contains 1-10% ethanol," ~~"contains 10% or less methanol" or "contains 1-10% methanol," or "contains 10% or less ethanol/methanol" or "contains 1-10% ethanol/methanol",~~ or other definitive equivalent statement declaring the presence of ~~methanol, ethanol, or combination~~ on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2" inch in height and 1/16" inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as "E10" and "contains ethanol" or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2" inch in height and 1/16" inch stroke (width of type).

(b) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 5% by volume of methanol shall be identified as "contains 5% or less methanol" or "contains 1-5% methanol", or other definitive equivalent statement declaring the presence of methanol on the upper fifty percent of the dispenser front panel in a position

clear and conspicuous from the driver's position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(c) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing less than 1% ethanol by volume must be dispensed in a manner such that it is not exposed to or blended with any gasoline containing more than 1% ethanol by volume.

(d)(b) No change.

(7) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than ~~15% 10%~~ ethanol, ~~or 5% methanol or other alcohol~~ shall be identified by a name indicating the amount ~~and type(s)~~ of ethanol, ~~or methanol or other alcohol~~ in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on the upper fifty percent of the dispenser front panel in a manner conforming with the layout, type size and setting, color, and label protection requirements of 16 CFR Part 306.12 (1-1-19 ~~4-1-12~~ Edition), as incorporated by reference in subsection (1) above. See subsection 5J-21.003(1), F.A.C., to obtain copies of this document.

(a) Ethanol ~~At a minimum, ethanol~~ mixed with gasoline and containing an ethanol content of 51%-83%, by volume, shall be identified as "Ethanol Flex Fuel, Minimum 51%-83% Ethanol" and "Use Only in For Flex-Fuel Vehicles, May Harm Other Engines Only."

(b) Methanol mixed with gasoline and containing a methanol content of nominally ~~51% 80%-85%~~, by volume, shall be identified as "Methanol Flex Fuel, 51% - 85% M85 Fuel Ethanol" and "Use Only in For Flex-Fuel Vehicles Only." Such fuels shall also contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2" inch in height and 1/16" inch stroke (width of type) that reads as follows:

This product contains methanol and may not be suitable for use in all flex-fuel vehicles. Consult with your engine manufacturer or owner's manual before use.

(c) Ethanol mixed with gasoline and containing an ethanol content greater than that which is permitted in subsection 5J-21.001(1), F.A.C., and less than that which is permitted in subparagraph 5J-21.001(5)(c)1., F.A.C., shall be identified as "XX% Ethanol" and "Use Only in Flex-Fuel Vehicles, May Harm Other Engines" ~~"EXX Flex Fuel, Minimum YY% Ethanol",~~ where XX is the ethanol concentration in volume percent rounded to the nearest multiple of 10 and YY is XX minus 5. The actual ethanol concentration of the blend shall be XX volume percent plus or minus 5 volume percent.

(8)(a) All biodiesel blends containing diesel fuel kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as "(BXX) Biodiesel Blend (BXX)," where XX represents the volume percent biodiesel in the biodiesel blend or "Biodiesel Blend Between



6% and 20%.” All biodiesel or B99 kept, offered, or exposed for sale, or sold, at retail shall be identified as “(BXX) Biodiesel (BXX),” where XX represents the volume percent biodiesel and shall be labeled with the proper sulfur grade designation “S15 (15 ppm Sulfur Maximum)” or “S500 (500 ppm Sulfur Maximum).” Each dispenser shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2" inch in height and 1/16" inch stroke (width of type).

(b)(a) Every dispenser that dispenses biodiesel or B99 shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2" inch in height and 1/16" inch stroke (width of type) that reads as follows:

This product contains biodiesel. Consult with your engine manufacturer or owner's manual before using this product.

~~(b) Every dispenser that dispenses a biodiesel blend containing diesel fuel shall also possess the proper diesel fuel sulfur grade designation conspicuously and firmly attached thereto, as specified in subsection (5) of this section, to indicate the grade of the biodiesel blend being sold therefrom. The diesel fuel sulfur grade designation shall apply to the blended fuel.~~

(9) All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Fuel Oil Containing Biodiesel (XX),” where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2" inch in height and 1/16" inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2" inch in height and 1/16" inch stroke (width of type) that reads as follows:

This product contains biodiesel. Consult with your equipment or engine manufacturer or owner's manual before using this product.

(10) All gasoline containing greater than ten percent ethanol by volume and up to and including fifteen percent ethanol by volume shall be labeled in accordance with 40 CFR 80.1501 (7-1-19 7-1-13 Edition), which is hereby incorporated by reference. Copies of this publication may be obtained from

the Superintendent of Documents, U.S. Government Publishing Office, 732 N. Capitol NW, Washington, D.C. 20401 20402, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04788>.

(11) Any other alternative fuel as defined by this section shall be labeled clearly and unambiguously on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2" inch in height and 1/16" inch stroke (width of type).

(12)(a) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 12.5% by volume of butanol shall be identified as “contains 12.5% or less butanol” or “contains 1-12.5% butanol,” or other definitive equivalent statement declaring the presence of butanol on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2" inch in height and 1/16" inch stroke (width of type).

(b) No change.

~~(13) In accordance with Section 525.035, F.S., any petroleum fuel that fails to meet applicable labeling requirements, as adopted in this rule, shall be placed under Stop Sale Order by the department using FDACS 03206, Stop Sale Order, Rev. 12/12, and the measuring devices and storage tanks of said product shall be sealed by the department with FDACS 03537, Warning Tag, Rev. 08/12, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the department from the Stop Sale Order in accordance with Section 525.035, F.S., using FDACS 03209, Release, Rev. 1/09. The documents referenced in this subsection are adopted and incorporated by reference in Rule 5J-21.001, F.A.C.~~

~~(14) In accordance with Section 525.037, F.S., any petroleum fuel that fails to meet applicable standards, as adopted in this rule, shall be placed under Stop Sale Order by the department using FDACS 03206, Stop Sale Order, Rev. 12/12, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the department with FDACS 03537, Warning Tag, Rev. 08/12, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the department from the Stop Sale Order in accordance with Section 525.037, F.S., using FDACS 03209, Release, Rev. 1/09. The documents referenced in this subsection are adopted and incorporated by reference in Rule 5J-21.001, F.A.C.~~

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.01, 525.09, 525.035, 525.037, 525.14 FS. History—New 12-31-74, Amended 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.003, Amended \_\_\_\_\_.

5J-21.004 Motor Fuel Price Posting.

(1) Any roadside or other sign, including, but not limited to, prices on poles, monument signs, canopies, ‘A-frame’ signs or other structures, that advertises or displays motor fuel prices and is not connected to a retail motor fuel dispenser as covered in Rule 5J-21.007, F.A.C. must display:

(a) No change.

(b) The discounted price per gallon for any motor fuel product and applicable grade advertised or displayed on the sign along with the conditions under which the discount is available, including, but not limited to, “Cash,” “Cash Only,” or “Membership.” The discount conditions must be clearly presented on the sign in a font no less than one quarter one half the size of the largest number posted on the sign but shall not be smaller than six inches in height and may not be abbreviated. The discount conditions must appear immediately next to, above or below the discounted price and with equal illumination as the discounted price.

(2) through (4) No change.

Rulemaking Authority 526.09, 531.41(3), 570.07(23) FS. Law Implemented 526.01, 531.44 FS. History—New 5-25-15, Amended .

5J-21.005 Inaccurate Measuring Devices.

(1) through (2) No change.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5J-21.007, F.A.C., the device shall be placed out-of-service by the department through issuance of a Stop Use Order with FDACS-03538, Out of Service, Rev. 08/12, hereby incorporated by reference, and prohibited from further use. Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04789>. Such measuring devices placed out-of-service for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection or the written consent of the department.

~~(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25" cubic inches, the devices shall be placed out of service by the department with FDACS-03538, Out of Service, Rev. 08/12, adopted and incorporated by reference in subsection (3) above, and prohibited from further use. The nozzles of such petroleum measuring devices placed out of service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection or the written consent of the department.~~

~~(4)(5) All persons and service agencies that repair or install petroleum fuel measuring devices must register with the department on FDACS-10990, Weights and Measures Device Mechanic Registration Application, Rev. 02/17, as incorporated by reference in Rule 5J-22.003, F.A.C. FDACS-03320, Application for Registration of Service Agencies, Rev. 12/12, hereby incorporated by reference, and FDACS 03556, Application for Registration—Authorized Meter Mechanic, Rev. 12/12, hereby incorporated by reference. Copies of FDACS 03320 may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04790>. Copies of FDACS 03556 may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04791>.~~ Any such registered person or service agency must immediately notify the department at (850)921-1545 or by fax at (850)921-1548, after any repairs and/or adjustments to any petroleum measuring devices have been made. Failure of a registered meter mechanic or service agency to notify the department after any repairs and/or adjustments to any petroleum measuring devices that have been made as required is subject to administrative penalties as enumerated in Rule 5J-21.008, F.A.C. In order to make application for registration as an authorized meter mechanic you must:

(a) Maintain a test measure of appropriate size according to the National Institute of Standards and Technology (NIST) Handbook 44, as ~~adopted and~~ incorporated by reference in Rule 5J-22.002 5F-5.004, F.A.C., that has been calibrated with standards traceable to NIST, pursuant to Section 525.07(9), F.S.

(b) ~~Maintain~~Use a sealing iron bearing at least the registered mechanic’s name or initials that are on file with the Department. Use said sealing iron to imprint security seals each time a seal is required to be installed, replaced or affixed.

(c) through (d) No change.

~~(5) (6) In accordance with Section 525.07, F.S., Any~~ measuring device that fails to meet applicable requirements, as adopted in this rule chapter, shall be placed out of service by the department through issuance of a Stop Use Order using FDACS 03538, Out of Service, Rev. 08/12, adopted and incorporated by reference in subsection (3) above, prohibiting the use of the measuring device. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device.

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.07 FS. History—New 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.005, Amended .

5J-21.006 Inspection Identification Stickers.

~~(4)~~ It shall be the duty of inspectors to affix a sticker to each petroleum measuring device, signifying that the device is inspected by the Department of Agriculture and Consumer Services and that the device owner is responsible for its proper

use and maintenance. Stickers shall be placed at such a point upon measuring device where they may be easily read by the public but not at a point where they will interfere with other descriptive material on the device such as figures, lettering or words. It shall be a violation of this ~~rule~~section for any person, unless authorized by the Department, to remove, deface, conceal or in any way obliterate or change this official sticker after it has been affixed by an inspector.

~~(2) Any measuring device that fails to meet applicable requirements, as adopted in this rule, shall be placed out of service by the department using FDACS 03539, Out of Service, Rev. 08/12, hereby incorporated by reference, prohibiting the use of the measuring device. Copies of this form may be accessed \_\_\_\_\_ at <http://www.flrules.org/Gateway/reference.asp?No=Ref 04792>. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device.~~

Rulemaking Authority 525.14, 570.07(23) FS. Law Implemented 525.07 FS. History—New 12-31-74, Formerly 5F-2.06, Amended 1-3-10, 1-7-15, Formerly 5F-2.006. Amended \_\_\_\_\_.

5J-21.007 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 Meter Sealing Requirements, and Other Related Requirements.

(1) The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, are ~~adopted and~~ incorporated by reference in Rule ~~5J-22.002 5F-5.004~~, F.A.C.

(2) All operating petroleum fuel measuring devices must be sealed with an appropriate security seal in such a manner that the metering adjustment cannot be changed without breaking the seal. An appropriate security seal is one which has been applied by the Department or a person who is registered with the Department as a meter mechanic and bears at least the name or initials of the registered meter mechanic.

(3) Any registered person, ~~or agency, or device owner~~ that has installed or returned to service a petroleum fuel measuring device must report the existence or repair of the petroleum device to the department at (850)921-1545 or by fax at (850)921-1548, within twenty-four (24) hours after installation, but no sooner than 10 days prior to installation using FDACS-03017, Placed in Service Report, Rev. ~~05/17 7/15~~, as hereby

incorporated by reference in Rule 5J-22.003, F.A.C. Copies of this form may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref 05889>. Petroleum measuring devices placed into service or returned to service by unregistered persons and not in accordance with any exceptions provided by rule shall not be used in commerce.

(4) Each dispensing device from which diesel fuel is sold at retail shall be equipped with a nozzle spout that conforms to SAE International J285, ~~APRIL 2019 MAY 2012~~, “Dispenser Nozzle Spouts for Liquid Fuels Intended for Use with Spark Ignition and Compression Ignition Engines,” and is hereby incorporated by reference. Copies of this publication may be obtained at <http://standards.sae.org>. This code is also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of this material on the internet for purposes of public examination would violate federal copyright law.

(5) No change.

~~(6) Any measuring device that fails to meet applicable requirements, as adopted in subsections (1) or (2) of this section, shall be placed out of service by the department using FDACS 03539, Out of Service, Rev. 08/12, adopted and incorporated by reference in Rule 5J 21.006, F.A.C., prohibiting the use of the measuring device. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device.~~

Rulemaking Authority 525.14, 526.09, 526.14(5)(b), 531.40, 531.41(3), 570.07(23) FS. Law Implemented 525.07, 526.14(5)(b), 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.014, Amended 11-10-15. \_\_\_\_\_.

5J-21.008 Guidelines for Imposing Administrative Penalties.

(1) This rule sets forth the guidelines the department will follow in imposing the penalties authorized under Chapters ~~525 and 531~~, F.S. The purpose of the guidelines is to give notice of the range of penalties, which ~~normally~~ will be imposed for a single violation. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. ~~No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum of \$1,000 per violation for a first time offender or \$5,000 per violation for second time or subsequent~~

~~offender, or for a willful violation.~~ The guidelines in this rule ~~chapter~~ are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(2) The department will administratively enforce compliance with Chapters 525 and 531, F.S., and this rule chapter by issuing an administrative complaint, stop sale order, and/or notice of noncompliance for violations of Chapter 525 or 531, F.S., and this rule chapter.

(3) Nothing in this ~~rule chapter~~ shall limit the ability of the department to informally dispose of administrative actions by settlement agreement, consent order, or other lawful means.

(4) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to, encompass all possible violations of the statutes or department rules that might be committed by any person. The absence of any violation from this rule ~~chapter~~ shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. ~~In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of:~~

(a) ~~The closest analogous violation, if any, that is listed in this rule; and,~~

(b) ~~The mitigating or aggravating factors listed in this rule.~~

(5) Aggravating and Mitigating Factors. The department will consider aggravating and mitigating factors in determining penalties for violations of Chapters 525 and 531, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation.

(a) Aggravating Factors shall include:

1. through 2. No change.

3. Previous enforcement actions for the same or a similar offense. ~~violations for the same or a similar offense that resulted in enforcement action.~~

4. The length of time the business has been in operation and ~~The violation history over the past three years.~~

5. through 6. No change.

7. The violator impeded, or otherwise failed to cooperate with, the department's inspection and/or investigation.

8. Previous disciplinary action against the violator in this or any other jurisdiction ~~and the deterrent effect of the penalty imposed.~~

9. No change.

10. The Whether the violation resulted from negligence or ~~an intentional act.~~

11. The need for repeated follow-up inspections without valid evidence of remedial action taken by the violator ~~The cost of enforcement action.~~

12. through 13. No change.

(b) Mitigating Factors shall include:

1. No change.

2. ~~The Whether intentional actions of another party prevented the violator from complying with the applicable laws or rules.~~

3. Documented financial hardship.

4. Acts of God or nature that impairs the ability of the violator to comply with Chapter 525 or 531, F.S. or this rule ~~Chapter 5J-21, F.A.C.~~

5. ~~The violation has a low risk of, or did not result in, harm to the public health, safety, or welfare.~~

6. The violator expeditiously took affirmative or corrective action after it received written notification of the violation, including costs incurred by the violator for rectifying any damage or harm to consumers' vehicles and/or property.

7. ~~The number and seriousness of the counts in the administrative complaint.~~

8. The disciplinary history of the violator person committing the violation and with consideration of whether three have passed since the previous violation.

9. ~~If a repeat violation, whether three years has passed since the prior violation.~~

10. No change.

11. ~~The provisions of this rule chapter shall not be construed so as to prohibit or limit any other civil action or criminal prosecution that may be brought.~~

12. ~~In addition to the penalties established in this rule, the department reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. Additionally, the department reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, collection costs, and costs resulting from a payment that is returned for insufficient funds to the department.~~

13. ~~(6)(8) Penalties.~~

(a) Notice of Noncompliance. Any department investigation or inspection which reveals violations listed in this subsection of this rule ~~chapter~~ in which the department determines that the violator was unaware of the rule or unclear as to how to comply with it will result in the issuance of a notice of noncompliance as the department's first response to the violation. For the purposes of this rule, the following violations shall result in the issuance of a notice of noncompliance:

1. No change.

2. Violations to Rule 5J-22.003 ~~5F-7.005~~, F.A.C., pertaining to petroleum products and applications, where the violation has a low potential for causing economic or physical harm to a person; adversely affecting the public health, safety, or welfare; or creating a significant threat of such harm, if left uncorrected.

3. through 9. No change.

(b) ~~Tier I Major Minor~~ Violations. A violation of Chapter 525 ~~or 531~~, F.S., or this rule chapter is a ~~Tier I minor~~ violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. ~~Tier I Minor~~ violations shall result in the issuance of a ~~stop sale order using FDACS 03206, Stop Sale Order, Rev. 12/12, or a Stop Use Order adopted and incorporated by reference in Rule 5J-21.001, F.A.C., or the device removed from service as specified below. If a third violation within a three year period is discovered a \$500 penalty shall be issued. An additional penalty of \$500 shall be issued for each violation discovered within a three year period thereafter. Discovery of a repeat violation within a three-year period shall result in the imposition of an administrative fine not to exceed the statutory maximum set forth in section 525.16, F.S.~~ For the purposes of this rule, the following violations shall be considered ~~Tier I minor~~ violations:

1. No change.
2. Gasoline blended with ethanol up to 10%, by volume, or butanol up to 12.5%, by volume, found to have an ethanol or butanol content of more than one (1.0%) percent by volume, but not more than three (3.0%) percent by volume, above the posted ethanol or butanol content displayed on the dispenser.
3. through 5. No change.
6. Diesel fuel ~~oil~~ No. 2-D found not in compliance with the flash point standard, but above 100 °F.
7. Diesel fuels ~~oils~~ No. 1-D and No. 2-D found not in compliance with the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur.
8. No change.
9. A biodiesel blend (with No. 2-D diesel fuel ~~oil~~) found not in compliance with the flash point standard, but above 100 °F.
10. No change.
11. Violations of paragraph 5J-21.003(6)(~~d~~)(~~b~~), F.A.C.
12. The following violations shall result in the removal of affected equipment from service.
  - a. through r. No change.
  - s. Violations of subsections 5J-21.005(3) ~~or (4)~~, F.A.C.
  - t. Violations of rule subsection 5J-21.006(4), F.A.C.
  - u. No change.
  - v. Any violations to Rules 5J-22.002 and 5J-22.003 ~~5F-7.005~~, F.A.C., pertaining to petroleum products and applications, where the device and/or equipment is required to be immediately removed from service due to the potential for causing economic or physical harm to a person; due to the potential for adversely affecting the public health, safety, or welfare; or due to the potential to create a significant threat of such harm, if left uncorrected.

(c) ~~Tier II Major~~ Violations. A violation of a Chapter 525 ~~or 531~~, F.S., or this rule chapter is a ~~Tier II major~~ violation if it

results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm. ~~Tier II Major~~ violations shall result in prohibiting the sale, distribution, offering for sale or distribution of the substandard product and imposition of an administrative fine of \$500 per violation for first time offenders of Chapter 525 F.S. and/or Rule Chapter 5J-21, F.A.C., within a three year period. An additional \$500 fine shall be imposed for each subsequent violation within the three year period, not to exceed the statutory maximum of \$5,000 per violation for second time or repeat offenders of Chapter 525, F.S. and/or Rule Chapter 5J-21, F.A.C., and as outlined ~~set forth~~ in ~~s~~Section 525.16, F.S. Aggravating factors, as defined in paragraph (5)(a) of this section, shall warrant the adjustment of the fine upward from \$250 to \$2,500 per violation per aggravating factor and mitigating factors, as defined in paragraph (5)(b) of this section, shall warrant the adjustment of the fine downward from \$250 to \$2,500 per violation per mitigating factor, but no fine shall exceed the statutory maxima as outlined in Section 525.16(1)(a), F.S. ~~Violations consisting of water, sediment, and/or suspended matter in petroleum fuel shall be issued a \$500 penalty for the first and any subsequent violation.~~ For the purposes of this rule, the following violations shall be considered ~~Tier II major~~ violations:

1. through 4. No change.
5. Failure to match the posted ethanol or butanol content for gasoline blended with ethanol up to 10% by volume or butanol up to 12.5% by volume; specifically, when the ethanol or butanol content is found to be more than three (3.0%) percent by volume above the posted ethanol or butanol content (percentage by volume).
6. through 13. No change.
14. Failure to meet any other requirements listed in the standards for diesel fuel ~~oils~~ No. 1-D and No. 2-D, as incorporated through the adopted version of ASTM International Designation D975, “Standard Specification for Diesel Fuel ~~Oils~~” in paragraph 5J-21.001(10)(c), F.A.C., not already listed in this section.
15. through 17. No change.
18. Failure to meet any other requirements listed in the standards for Methanol M85 Fuel Blends (51 to 85 volume percent methanol) ~~Methanol~~, as incorporated through the adopted version of ASTM International Designation D5797, “Standard Specification for ~~Fuel~~ Methanol Fuel Blends (M51 – M85) ~~(M70 – M85)~~ for Methanol-Capable Automotive Spark-Ignition Engines” in paragraph 5J-21.001(10)(g), F.A.C., not already listed in this section.
19. through 22. No change.
23. Failure to match the posted ethanol content for mid-level blends; specifically, when the ethanol content is found to

be more than five (5.0) percent by volume above the posted ethanol content (~~percentage by volume~~).

24. Violations of paragraphs 5J-21.003(6)(a), (b), or (c), F.A.C.

25. through 26. No change.

27. Violations of subsection 5J-21.005(4)(5), F.A.C.

28. No change.

29. Failure to correct violations of law, rule, or adopted sections of NIST Handbook 44, as incorporated by reference ~~adopted~~ in Rule 5J-22.002 ~~5F-5.004~~, F.A.C., or NIST Handbook 130 (pertaining to petroleum measuring devices, as incorporated by reference ~~adopted~~ in Rule 5J-22.003 ~~5F-7.005~~, F.A.C.) within the time period specified in a notice of non-compliance. Any device affected by a correction notice issued pursuant to this rule ~~chapter~~ that is not corrected within the time period specified shall be removed from service until such time that the deficiency has been corrected.

30. No change.

(d) Willful Violations. Any willful and intentional violation of Chapter 525 or 531, F.S., or this rule chapter or of any requirement or standard adopted pursuant thereto, shall result in the imposition of an administrative fine of up to \$5,000 per violation. Willful violations shall include, ~~but are not limited to~~, the following:

1. through 2. No change.

3. The sale or distribution, or offering for sale or distribution, of any petroleum fuel that was previously placed under a stop sale order and that has not been made to conform to standard; and

4. Violations which result from a failure to comply with a Final oOrder, a notice of non-compliance, a stop sale order, or any condition stipulated on a release of a stop sale order.

(9) Resolution of Alleged Violations, Settlement, and Additional Enforcement Remedies.

~~(a) The department and person charged with a violation may agree to resolve violations prior to an administrative hearing, or enter into settlement pursuant to Section 120.57(4), F.S. The penalties addressed in this rule chapter shall not be construed to limit the authority of the department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The department shall utilize all available remedies to ensure compliance including administrative action, civil actions, settlements, and referrals for criminal prosecution. The department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and as authorized by Chapters 120 or 525, F.S.~~

~~(a)(b)~~ Failure to respond to an administrative complaint shall result in the entry of a dDefault fFinal oOrder against the violator or entity responsible for the violation. The department shall impose administrative fines in a dDefault-fFinal oOrder

equal to the maximum amount as allowable under Section 525.16(1)(a), F.S.

~~(b)(e)~~ A failure to comply with either a fFinal oOrder or a dDefault fFinal oOrder of the department shall result in any applicable registration revocation and an administrative fine equal to the maximum amount as allowable under Section 525.16(1)(a), F.S. Additional penalties shall be sought through the enforcement of the order in circuit court.

Rulemaking Authority 525.14, 531.41, 531.42, 570.07(23) FS. Law Implemented 525.16, 531.42, 531.44, 570.971(4) FS. History—New 2-24-00, Amended 7-30-02, 6-1-06, 5-6-08, 1-3-10, 1-7-15, Formerly 5F-2.016, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Harold Prince, Chief of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Nicole Fried

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 23, 2020

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-19.004      RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose of the amendment is to clarify the rule text.

SUMMARY: Update rule text.

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

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

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

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

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

RULEMAKING AUTHORITY: 455.227, 455.2273, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 455.2277, 471.031, 471.033 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners (including qualified business organizations) guilty of violating Chapters 455 or 471, F.S., or the rules promulgated thereto. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 455 or 471, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 455 or 471, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the Board’s discretion. All impositions of probation as a penalty shall include successful completion of the Engineering Law and Rules Study Guide, completion of a Board-approved course in Engineering Professionalism and Ethics, and an appearance before the Board at the option of the Board at the end of the probationary period. Plans review requires payment of additional fees to the Board approved consultant. Unsatisfactory plans reviews may lead to the institution of additional disciplinary proceedings. Other terms may be imposed by the Board at its discretion.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) Violating any provision of Section 455.227(1), 471.025 or 471.031, F.S., or any other provision of chapter 471, F.S., or rule of the Board or Department. (Sections 471.033(1)(a) and 455.227(1)(b), (q), F.S.) <u>Not otherwise specifically enumerated below.</u>	Reprimand and \$1,000.00 fine, to One (1) year suspension, two (2) years probation and \$5,000 fine.	<del>\$5,000.00 fine and One (1) year suspension followed by two (2) years probation to and \$5,000.00 fine and to Revocation.</del> \$5,000.00 fine and One (1) year suspension followed by two (2) years probation to and \$5,000.00 fine and to Revocation.
1. through 14. No change.		
(b) through (h) No change.		
(i) Practicing on a revoked, suspended, inactive or delinquent license, or through a business organization not properly qualified. (Sections 471.033(1)(i) and 471.031(1)(e), F.S.)		
1. through 4. No change.		
5. Business Organization not properly qualified.	Reprimand; \$500.00 fine to \$5,000.00 fine, and one (1) year suspension.	One (1) year suspension and \$5,000.00 fine to Revocation.
(j) through (m) No change.		

(3) The board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty. The fact that an Administrative Law Judge of the Division of Administrative Hearings may or may not have been aware of the below mentioned aggravating or mitigating circumstances prior to a recommendation of penalty in a Recommended Order

shall not obviate the duty of the board to consider aggravating and mitigating circumstances brought to its attention prior to the issuance of a Final Order.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. through 4. No change.

5. Refusal to accept responsibility for or to acknowledge the violation.

6. Degree of cooperation with disciplinary investigation.

7. Degree to which conduct departed from generally accepted professional standards of conduct.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. through 5. No change.

6. Acceptance of responsibility for the violation and explanation of the facts and circumstances surrounding the occurrence.

7. Degree of cooperation with disciplinary investigation.

8. Degree to which conduct departed from generally accepted professional standards of conduct.

Rulemaking Authority 455.227, 455.2273, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 455.2273, 455.2277, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, 5-20-02, 11-21-06, 2-21-10, 9-5-16, 12-29-19,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2020  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 15, 2020

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE NO.: RULE TITLE:

64B7-25.001 Examination Requirements

PURPOSE AND EFFECT: The Board propose the rule amendment to update the rule text to reflect changes implemented in HB 115 and HB 713 legislative changes.

SUMMARY: Update rule text to reflect legislative 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(7), 456.017(1)(c), 480.035(7), 480.041(2), 480.042(1), 480.044 FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.0635, 480.041, 480.042, 480.044 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: Kama Monroe, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.001 Examination Requirements.

(1) The Department shall issue a license by examination to a person who:

(a) No change.

(b) Submits a completed application on form DH-MQA 1115, "Application for Massage Therapist License Application," (05/2020 Rev. 7/16). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/massage-app.pdf> or



<http://www.flrules.org/Gateway/reference.asp?No=Ref-07947>. To apply on-line, visit <https://flhealthsource.gov/mqa-services>;

(c) through (e) No change.

(2) Prior to the practice of colon hydrotherapy, any licensed massage therapist ~~or massage therapy apprentice~~ must be certified. The Department shall issue certification to practice colon hydrotherapy to a person who:

(a) Pays to the Department the certification fee set forth in subsection 64B7-27.100, F.A.C.:

(b)(a) Submits a completed application ~~entitled Application for Colon Hydrotherapy Upgrade to Massage Therapist License with Instructions~~, on form DH-MQA 1247 “Application for Colon Hydrotherapy Certification” (Rev. 05/2020 04/43). The form is incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/massage-colon-certificationupgrade.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-09173>. To apply on-line, visit <http://flhealthsource.gov/mqa-services>;

(c)(b) Provides proof of completion of a training program course of study in colonie hydrotherapy irrigation at a Board approved massage school per Rule 64B7-32.005, F.A.C., or a training program course of study equal to or more stringent than the colon hydrotherapy requirements of course of study in colonie irrigation in subsection 64B7-32.005(2)(3), F.A.C., with an approved provider or school in another state, territory, or jurisdiction, or a colonie hydrotherapy irrigation apprenticeship per Rule 64B7-29.007, F.A.C.; and,

(d)(e) Present certification to the Board of successful completion of an approved examination for colonie hydrotherapy irrigation.

(3) The Board approves the following examinations for licensure:

(a) The Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards;

(b) through (c) No change.

(d) National Exam for State Licensure option administered by the National Certification Board for Therapeutic Massage and Bodywork; ~~and~~

(e) No change.

(4) The Board approves the following examination for certification in colonie hydrotherapy irrigation: The National Board for Colon Hydrotherapy Examination (NBCHE). Rulemaking Authority 456.013(7), 456.017(1)(c), 480.035(7), 480.041(2), 480.042(1), 480.044 FS. Law Implemented 456.013(7), 456.017(1)(c), 456.0635, 480.041, 480.042, 480.044 FS. History–New

11-27-79, Amended 9-2-80, 10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly 21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001, Amended 5-20-98, 7-30-02, 3-31-08, 6-15-09, 9-6-09, 6-2-10, 12-24-13, 6-2-14, 10-2-14, 3-14-16, 10-2-16, 3-13-17, 3-22-18, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2020

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NO.:	RULE TITLE:
65C-28.011	Criminal, Delinquency and Abuse/Neglect History Checks for Release to a Parent, Placement with a Relative and Non-Relative and Approval of Informal Safety Management Providers

PURPOSE AND EFFECT: The Department intends to amend Rule 65C-28.011, F.A.C., to clarify (1) when certain types of background checks can be obtained via a search of the Comprehensive Case Information System, and (2) the purpose for which out-of-state local criminal information can be used.

SUMMARY: The amendment permits in exigent circumstances a search of the Comprehensive Case Information System until a local criminal records check can be obtained. In addition, the amendment clarifies that out-of-state local criminal information shall be used to determine if placement should be finalized.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 39.012, 39.0121(1), 39.0138(1), FS.

LAW IMPLEMENTED: 39.0138, 39.401(3), 39.521(2)(o)2., 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: Jodi Abramowitz. Jodi can be reached at (850)717-4470 or Jodi.abramowitz@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-28.011 Criminal, Delinquency and Abuse/Neglect History Checks for Release to a Parent, Placement with a Relative and Non-Relative and Approval of Informal Safety Management Providers.

(1) The following criminal, delinquency and abuse/neglect history checks shall be performed when a child is initially placed or remains with a relative or non-relative:

(a) No change.

(b) For all household members age 12 or older, a local criminal records check must ~~which may~~ be requested through local law enforcement. When circumstances exist that prevent local law enforcement from conducting local criminal record checks, or through a search of the Comprehensive Case Information System (CCIS) may be used until local criminal records check can be obtained. The child welfare professional shall make ongoing efforts to obtain a local criminal records check. A request for call outs regarding the household members from police and sheriff's offices must be made and reviewed prior to placement when results are available.

(c) through (g) No change.

(h) For any household member whose NCIC check returns an arrest history for a charge that may have implications for child safety, a request shall be made for out-of-state local criminal information to determine if the placement shall be finalized.

(i) For all household members age 12 and older, a Clerk of Court Search must be conducted by the child protection investigator for ongoing services.

(j) For all household members age 18 and older, a Florida Sexual Offenders and Predators Registration check must be conducted by the child protection investigation for ongoing services.

(2) through (9) No change.

Rulemaking Authority 39.012, 39.0121(1), 39.0138(1) FS. Law Implemented 39.0138, 39.401(3), 39.521(2)(o)2. FS. History--New 5-4-06, Amended 5-8-16, 2-5-18, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monique McCaskill

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 31, 2020

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:

65C-29.009 Criminal, Juvenile and Abuse/Neglect History Checks

PURPOSE AND EFFECT: The Department intends to amend Rule 65C-29.009, F.A.C., to add an additional background records check in cases when a placement is being considered.

SUMMARY: The child protective investigator will be required to conduct a Florida Clerk of the Courts/CCIS check in cases when a placement is being considered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 39.012, 39.0121 FS.

LAW IMPLEMENTED: 39.301 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: Jodi Abramowitz. Jodi can be reached at (850)717-4470 or Jodi.abramowitz@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-29.009 Criminal, Juvenile and Abuse/Neglect History Checks.

(1) through (2) No change.

(3) Perform a Florida Clerk of the Courts/CCIS check in cases when a placement is being considered.

~~(4)~~(3) No change.

Rulemaking Authority 39.012, 39.0121 FS. Law Implemented 39.301 FS. History—New 5-4-06, Amended 12-31-14, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monique McCaskill

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 31, 2020

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NO.: 65C-30.007  
 RULE TITLE: Case Management Responsibilities After Case Transfer

PURPOSE AND EFFECT: The Department intends to amend Rule 65C-30.007, Case Management Responsibilities After Case Transfer, to specify the background checks that must be completed when a new household member moves into the child’s home.

SUMMARY: New household members will be required to complete: 1) local, state, and federal criminal records checks; 2) a juvenile delinquency check for new household members aged 12 to 26; 3) a Florida abuse and neglect history check; and 4) an out-of-state abuse/neglect records for new household members who have resided in any other state during the past five years.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 39.012, 39.0121(13), 39.5075(8) FS.

LAW IMPLEMENTED: 39.0138, 39.5075, 39.6011, 39.6012 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: Jodi Abramowitz. Jodi can be reached at 850-717-4470 or Jodi.Abramowitz@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-30.007 Case Management Responsibilities After Case Transfer.

(1) No change.

(2) Contacts with Parent or Legal Guardian, and Caregiver Living in Florida.

(a) through (b) No change.

(c) If the case manager learns that a new household member adult has moved into the child’s home, the following background checks must be completed ~~a state and local criminal, juvenile and abuse/neglect history check shall be performed~~ and documented as part of the ongoing family functioning assessment or progress update, and the judicial review and the Unified Home Study must ~~will~~ be updated within 30 days:

1. Local criminal records check, including 911 calls, for new household members aged 12 and older;

2. Florida Crime Information Center (FCIC) check for new household members aged 12 and older;

3. Juvenile delinquency check for new household members aged 12 to 26;

4. Department of Corrections Offenders Search for new household members aged 18 and older;

5. Florida Department of Law Enforcement (FDLE) Florida Sexual Offenders and Predators Search & National registry check for new household members aged 18 and older;

6. Florida abuse/neglect history check on all new household members;

7. Out-of-state abuse/neglect records for new household members aged 18 and older who have resided in any other state during the past five years; and

8. A records check conducted by a Florida Clerk of Court or the Comprehensive Case Information System (CCIS), at a minimum in the location where the local criminal records check is conducted, for all new household members aged 12 and older.

(3) through (12) No change.

Rulemaking Authority 39.012, 39.0121(13), 39.5075(8) FS. Law Implemented 39.0138 39.5075, 39.6011, 39.6012 FS. History—New 5-4-06, Amended 2-25-16, 4-17-16, 8-22-16, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Monique McCaskill

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 31, 2020

### Section III

#### Notice of Changes, Corrections and Withdrawals

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE NO.: RULE TITLE:  
59G-13.070 Developmental Disabilities Individual Budgeting Waiver Services

##### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 46 No. 26, February 7, 2020 issue of the Florida Administrative Register.

The Agency received lower cost regulatory alternatives (LCRA) after the proposed rule published. These proposals included amending the rule to allow for electronic transfer of all information required to be entered into iConnect or needed to be accessed by providers using industry standard interface technology that can be utilized by provider-owned IT systems, allowing the use of the existing electronic visit verification system provided by the Agency for Health Care Administration, limiting required data entry to iConnect to those data elements authorized by state law, and using agency staff or contractors for iConnect data entry. The Agency prepared a statement of estimated regulatory costs (SERC), in accordance with section 120.541, Florida Statutes (F.S.).

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

RATIFICATION: Rule 59G-13.070 establishes programmatic requirements for providers who wish to furnish iBudget Waiver

services under the Florida Medicaid program. The rule is needed to ensure the Medicaid Program and those involved with it stay in compliance with updated State and Federal Regulations. Only small businesses who choose to participate in the Medicaid program and are contracted with APD to provide iBudget Waiver services will be subject to the rule. Due to the voluntary nature of the relationship between the Agency and providers for whom this rule shall affect, the Agency has determined that Rule 59G-13.070 will not increase regulatory costs in excess of \$200,000 nor will it have any adverse impact on small businesses as these businesses already face the same reporting requirements and other transactional costs under the current requirements.

Based upon this information and pursuant to section 120.541, F.S., the rule will not require legislative ratification. The Agency has rejected the LCRA submitted by Therap Services because enrollment in the Florida Medicaid program is voluntary. Upon enrollment, providers agree to comply with all local, state, and federal laws, including rules, regulations, and statements of policy applicable to the Florida Medicaid program as stated in the Florida Medicaid Provider Handbooks and Policies issued by AHCA.

A copy of the SERC is available on the Agency’s website at <http://ahca.myflorida.com/medicaid/review/Rules.shtml>.

### Section IV

#### Emergency Rules

NONE

### Section V

#### Petitions and Dispositions Regarding Rule Variance or Waiver

##### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on July 21, 2020, the Southwest Florida Water Management District, received a petition for a variance or waiver.

Petitioner’s Name: St. Tropez Community Association, Inc.

Rule No.: 40D-22.201

Nature of the rule for which variance or waiver is sought: Lawn and landscape irrigation.

The Petition has been assigned tracking No. 20-4316.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michael Bench, 7601 US Highway 301, Tampa, Florida 33637, (813) 985-7481, ext. 2298,

water.variances@watermatters.org. Any interested person or other agency may submit written comments within 14 days after the publication of this notice. (T2020046).

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-4.002 Ratification by Members of Bargaining Unit  
 NOTICE IS HEREBY GIVEN that on July 31, 2020, the Public Employees Relations Commission, received a petition for variance from Rule 60CC-4.002, F.A.C., from Bobby Mermer and the United Faculty of Florida to allow it to conduct all aspects of a ratification election electronically. The petition was assigned Case No. MS-2020-032. Any interested person may submit written comments on this petition within 5 days of publication of this notice by mail to Commission Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by facsimile to (850) 488-9704.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by email to Barry.Dunn@perc.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-4.002 Ratification by Members of Bargaining Unit  
 NOTICE IS HEREBY GIVEN that on July 31, 2020, the Public Employees Relations Commission, received a petition for variance from Rule 60CC-4.002, F.A.C., from Daniel Saunders and the United Faculty of Florida to allow it to conduct all aspects of a ratification election electronically. The petition was assigned Case No. MS-2020-033. Any interested person may submit written comments on this petition within 5 days of publication of this notice by mail to Commission Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by facsimile to (850) 488-9704.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by email to Barry.Dunn@perc.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-4.002 Ratification by Members of Bargaining Unit  
 NOTICE IS HEREBY GIVEN that on July 31, 2020, the Public Employees Relations Commission, received a petition for

variance from Rule 60CC-4.002, F.A.C., from Matthew Thomas and the United Faculty of Florida to allow it to conduct all aspects of a ratification election electronically. The petition was assigned Case No. MS-2020-034. Any interested person may submit written comments on this petition within 5 days of publication of this notice by mail to Commission Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by facsimile to (850) 488-9704.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by email to Barry.Dunn@perc.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-4.002 Ratification by Members of Bargaining Unit  
 NOTICE IS HEREBY GIVEN that on July 31, 2020, the Public Employees Relations Commission, received a petition for variance from Rule 60CC-4.002, F.A.C., from Steadman Stahl and the Dade County Police Benevolent Association, Inc. to allow it to conduct all aspects of ratification elections electronically. The petition was assigned Case No. MS-2020-035. Any interested person may submit written comments on this petition within 5 days of publication of this notice by mail to Commission Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by facsimile to (850) 488-9704.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by email to Barry.Dunn@perc.myflorida.com.

DEPARTMENT OF HEALTH

BOARD OF NURSING HOME ADMINISTRATORS

NOTICE IS HEREBY GIVEN that on July 27, 2020, the Board of Nursing Home Administrators received and amended Petition for Variance or Waiver filed by Joan C. Foy, JD, MHSA, CHC. Petitioner seeks a variance or waiver of Rule 64B10-15.001(2)(a), F.A.C., requiring that a licensee shall have a minimum of twenty (20) contact hours of continuing education credits that include personal attendance at a live presentation or, as specified in subsection (3) of this section, completion of classroom attended college course(s) taught with live lectures.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin

#C07, Tallahassee, Florida 32399-3257, Anthony.Spivey@flhealth.gov, within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-28.830 Special - Closed System Pharmacy

The Board of Pharmacy hereby gives notice: of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on May 1, 2020, by Guardian Pharmacy LLC. The Notice of Petition for Waiver or Variance was published in Volume 46, Number 88, of the May 5, 2020, Florida Administrative Register. The Petitioner was seeking a waiver or variance of Rule 64B16-28.830(1), F.A.C, that states a Special – Closed System Pharmacy permit is a type of special pharmacy as provided for by section 465.0196, F.S., which dispenses medicinal drugs, utilizing closed delivery systems, to facilities where prescriptions are individually prepared for the ultimate consumer, including nursing homes, jails, ALF’s (Adult Congregate Living Facilities), ICF-IIDs (Intermediate Care Facilities – Developmentally Delayed, also known as ICF – Individuals with Intellectual Disabilities), or other custodial care facilities when defined by AHCA rules and which the Board may approve.

The Board considered the instant Petition at a duly-noticed public telephonic meeting held June 4, 2020. The Board’s Order, filed on July 2, 2020, granted the petition with conditions finding that Petitioner had established that the purpose of the underlying statute would be met by granting a variance or waiver from Rule 64B16-28.830(1), Florida Administrative Code. The Board further finds that Petitioner established that applying the requirements of the aforementioned rule to Petitioner’s circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Jessica Sapp, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates

The Board of Pharmacy hereby gives notice: of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on May 14, 2020, by Roaa Abdulsalam Mahmood. The Notice of Petition for Waiver or Variance was published in Volume 46, Number 97, of the May 18, 2020, Florida Administrative Register. The Petitioner was seeking a waiver or variance of Rule 64B16-26.2031(2)(b),

Florida Administrative Code, entitled, “Licensure by Examination (Foreign Graduates); Application,” which requires the applicant for licensure as a foreign graduate must demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 550 for the pencil and paper test or 213 for the computer version and by passing the Test of Spoken English (TSE) with a score of 50 on the recalibrated TSE, or demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

The Board considered the instant Petition at a duly-noticed public telephonic meeting held June 4, 2020, at which time the Petitioner requested to withdraw the petition. The Board’s Order of Withdrawal was filed on July 1, 2020.

A copy of the Order or additional information may be obtained by contacting: Jessica Sapp, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

NOTICE IS HEREBY GIVEN that on July 29, 2020, the Board of Physical Therapy Practice, received a petition for variance or waiver filed by Patricia Goncalves Leite Rocco. Petitioner seeks a variance or waiver of Rule 64B17-3.001(3)(c)2.a., F.A.C., requiring that a certified copy of the credential evaluation used by the physical therapy licensing board of another state. The evaluation must be on the appropriate coursework tool (CWT) adopted by the Federation of State Boards of Physical Therapy (FSBPT) and reflect the education criteria in place at the time of graduation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, Allen.Hall@flhealth.gov, within 14 days of publication of this notice.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, August 28, 2020, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join the meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CultureBuildsFL/museum-gps-level-3-panel-meeting-a>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 782-298-837

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or [inroomlink.goto.com](https://inroomlink.goto.com)

Meeting ID: 782 298 837

Or dial directly: 782298837@67.217.95.2 or 67.217.95.2##782298837

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2021-2022 Museum Level 3 General Program Support grant program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: [www.florida-arts.org](http://www.florida-arts.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 48 hours before the workshop/meeting by contacting: Rachele Ashmore, (850) 245-6490, [rachele.ashmore@dos.myflorida.com](mailto:rachele.ashmore@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sarah Stage, (850)245-6459, [sarah.stage@dos.myflorida.com](mailto:sarah.stage@dos.myflorida.com).

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, August 31, 2020, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CultureBuildsFL/museum-level-3-panel-meeting-b>

You can also dial in using your phone.

United States: +1 (669) 224-3412

Access Code: 376-088-821

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or [inroomlink.goto.com](https://inroomlink.goto.com)

Meeting ID: 376 088 821

Or dial directly: 376088821@67.217.95.2 or 67.217.95.2##376088821

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2021-2022 Museum Level 3B General Program Support grant program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: [www.florida-arts.org](http://www.florida-arts.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 48 hours before the workshop/meeting by contacting: Rachele Ashmore, (850) 245-6490, [rachele.ashmore@dos.myflorida.com](mailto:rachele.ashmore@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sarah Stage, (850)245-6459, [sarah.stage@dos.myflorida.com](mailto:sarah.stage@dos.myflorida.com).

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 1, 2020, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CultureBuildsFL/museum-gps-level-3-panel-meeting-c>

You can also dial in using your phone.

United States: +1 (408) 650-3123

Access Code: 140-220-781

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or [inroomlink.goto.com](https://inroomlink.goto.com)

Meeting ID: 140 220 781

Or dial directly: 140220781@67.217.95.2 or 67.217.95.2##140220781

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2021-2022 Museum Level 3C General Program Support grant program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: [www.florida-arts.org](http://www.florida-arts.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 48 hours before the workshop/meeting by contacting: Rachele Ashmore, (850) 245-6490, [rachele.ashmore@dos.myflorida.com](mailto:rachele.ashmore@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sarah Stage, (850)245-6459, sarah.stage@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 2, 2020, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CultureBuildsFL/presenter-scp-and-gps-levels-1--2-panel-meeting>

You can also dial in using your phone.

United States: +1 (669) 224-3412

Access Code: 428-544-949

Join from a video-conferencing room or system.

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

Meeting ID: 428 544 949

Or dial directly: 428544949@67.217.95.2 or 67.217.95.2##428544949

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2021-2022 Presenter Specific Cultural Projects and Level 1 and 2 General Program Support grant programs.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: [www.florida-arts.org](http://www.florida-arts.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 48 hours before the workshop/meeting by contacting: Rachele Ashmore, (850) 245-6490, [rachele.ashmore@dos.myflorida.com](mailto:rachele.ashmore@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Summer Callahan, (850)245-6482, [summer.callahan@dos.myflorida.com](mailto:summer.callahan@dos.myflorida.com).

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 3, 2020, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference. Please join the meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CultureBuildsFL/presenter-gps-level-3-panel-meeting>

You can also dial in using your phone.

United States: +1 (224) 501-3412

Access Code: 659-342-021

Join from a video-conferencing room or system.

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

Meeting ID: 659 342 021

Or dial directly: 659342021@67.217.95.2 or 67.217.95.2##659342021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2021-2022 Presenter Level 3 General Program Support grant program.

A copy of the agenda may be obtained by contacting: The Division of Cultural Affairs at (850)245-6470 or by visiting our website: [www.florida-arts.org](http://www.florida-arts.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 48 hours before the workshop/meeting by contacting: Rachele Ashmore, (850) 245-6490, [rachele.ashmore@dos.myflorida.com](mailto:rachele.ashmore@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Summer Callahan, (850)245-6482, [summer.callahan@dos.myflorida.com](mailto:summer.callahan@dos.myflorida.com).

DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 10, 2020, 4:00 p.m.

PLACE: Please call (850) 414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850) 414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131. If



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

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

For more information, you may contact: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131.

**DEPARTMENT OF LEGAL AFFAIRS**

The Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 20, 2020, 1:00 p.m. until conclusion

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council Business.

A copy of the agenda may be obtained by contacting: Lynn Guyton at Lynn.Guyton@myfloridalegal.com and will be posted at: <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Office of the Attorney General, Ashley Moody, at (850) 414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lynn Guyton at Lynn.Guyton@myfloridalegal.com or by telephone at (813) 287-7950.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

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

DATE AND TIME: Wednesday, September 2, 2020, 10:00 a.m.

PLACE: Zoom

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FAITC Board of Directors will meet for a regularly scheduled board meeting.

A copy of the agenda may be obtained by contacting: [sponholtz@agtag.org](mailto:sponholtz@agtag.org).

For more information, you may contact: [sponholtz@agtag.org](mailto:sponholtz@agtag.org).

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces a hearing in the following docket to which all persons are invited.

DOCKET NO. AND TITLE: 20200092-EI, Storm protection plan cost recovery clause.

HEARING DATE AND TIME: Monday, August 10, 2020, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED AT THE HEARING:

The purpose of this hearing shall be to consider the Joint motion for expedited approval of a stipulation and settlement agreement; with attached stipulation and settlement, filed July 27, 2020, by the Office of Public Counsel, Gulf Power Company, Florida Power & Light Company, and Walmart Inc., and to take action on any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow the parties to present evidence and testimony in support of their positions; (2) allow for such other purposes as the Commission may deem appropriate.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. This proceeding will be governed by Chapter 366 in addition to Chapter 120, F.S., Chapters 25-22, 28-106, and 28-109, F.A.C., and Rule 25-6.030, F.A.C.

Interested persons may also request to be listed as an interested person for this docket, in which case they will receive notices and orders published and issued in the docket. Such requests should be made to: Florida Public Service Commission, Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the hearing at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850) 413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

SPECIAL COVID-19 CONSIDERATIONS

Because the Governor of the State of Florida has declared a state of emergency due to the COVID-19 Pandemic, the Commission must limit the manner in which the public may participate or view the hearing. As always, the public may view a live stream of the hearing online using the link available at <http://www.floridapsc.com/Conferences/AudioVideoEventCoverage>. Due to these extraordinary circumstances, however, no member of the public may attend in person.

**EMERGENCY CANCELLATION OF HEARING**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers’ Board**

The Florida Barbers’ Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 11, 2020, 9:00 a.m.

PLACE: CONFERENCE NUMBER – 888-585-9008, PARTICIPANT CODE – 241687833

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Florida Barbers Board, 2601 Blair Stone, Tallahassee, Florida, 32399, (850) 487-1395.

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: Florida Barbers Board, 2601 Blair Stone, Tallahassee, Florida, 32399, (850) 487-1395. 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: Florida Barbers Board, 2601 Blair Stone, Tallahassee, Florida, 32399, (850) 487-1395.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

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

DATES AND TIMES: October 12-13, 2020, 9:00 a.m.

PLACE: CONFERENCE NUMBER – 888-585-9008, PARTICIPANT CODE – 241687833

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Florida Board of Cosmetology, 2601 Blair Stone, Tallahassee, Florida, 32399, (850) 487-1395.

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: Florida Board of Cosmetology, 2601 Blair Stone, Tallahassee, Florida, 32399, (850) 487-1395. 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: Florida Board of Cosmetology, 2601 Blair Stone, Tallahassee, Florida, 32399, (850) 487-1395.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

The Board of Employee Leasing Companies announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 12, 2020, 10:00 a.m.

PLACE: Via Telephone Conference Call. To connect, dial 1(888)585-9008, Conference Pass Code: 258-893-642

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the

proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Engineers Management Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: August 24, 2020, 10:00 a.m. or soon thereafter via video and/or telephone conference

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the corporation. If you would like to participate in the call, please contact Rebecca Sammons at 850.521.0500 ext. 114 at least 10 days prior to the date of the meeting. You will need to contact Ms. Sammons for the participant code.

<https://us02web.zoom.us/j/89175339426>

Meeting ID: 891 7533 9426

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 891 7533 9426

Passcode: 274191

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Mechanical Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 26, 2020, 2:00 p.m. or soon there after (via video and/or telephone conference)

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the committee. If you would like to participate in the call, please contact Rebecca Sammons at 850.521.0500 ext. 114 at least 10 days prior to the date of the meeting. You will need to contact Ms. Sammons for the participant code.

<https://us02web.zoom.us/j/83309219650>

Meeting ID: 833 0921 9650

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 833 0921 9650

Passcode: 740469

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. 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: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission announces a telephone conference call to which all persons are invited.

**DATES AND TIMES:** Monday, August 17, 2020, 1:00 p.m., ET and reconvene Tuesday, August 18, 2020, 8:15 a.m. and Wednesday, August 19, 2020, 8:15 a.m., ET or soonest thereafter.

**PLACE:** Teleconference/Videoconference meeting to be facilitated from Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson St., Orlando, FL 32801. You may attend via phone or video streaming. To attend via Teleconference number: 1(877)568-4106; Participant Code 780-725-765 followed by the # key. To attend via video streaming, utilize GoToMeeting website at <https://global.gotomeeting.com/join/780725765>.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of Commission – among topics include, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2, F.A.C., budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: [realpublicrecords@myfloridalicense.com](mailto:realpublicrecords@myfloridalicense.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

The Probable Cause Panel of the Florida Real Estate Commission announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Monday, August 17, 2020, 9:00 a.m., ET or soonest thereafter

**PLACE:** Teleconference/Videoconference meeting to be facilitated from Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson St., Orlando, FL 32801. You may attend via phone or video streaming. To attend via Teleconference number: 1(877)568-4106; Participant Code

780-725-765 followed by the # key. To attend via video streaming, utilize GoToMeeting website at <https://global.gotomeeting.com/join/780725765>.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Probable Cause Panel will conduct a private meeting to review cases to determine probable cause and a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel and its counsel.

A copy of the agenda may be obtained by contacting: [realpublicrecords@myfloridalicense.com](mailto:realpublicrecords@myfloridalicense.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Mobile Home Relocation Corporation**

The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, August 28, 2020, 9:00 a.m.

**PLACE:** via-telephone only. To attend the meeting by telephone, please call 1(888) 909-7654 and enter pass code 128126 when prompted.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board will address official business of the Florida Mobile Home Relocation Corporation which will include, among other matters, a review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use and such other business as may come before the Board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Vicky Krentz at (888) 862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Vicky Krentz at (888) 862-7010. 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: Vicky Krentz, Executive Director, FMHRC, PO Box 7848, Clearwater, FL, 33758, (888) 862-7010. Ms. Krentz may be reached by email at vicky@fmhrc.org.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

The Board of Medicine - Council on Physician Assistants announces a telephone conference call to which all persons are invited.

DATE AND TIME: (Updated 7/31) Thursday, August 6, 2020, 2:00 p.m. and ending by 3:00 p.m. This meeting has been cancelled as of Friday, July 31, 2020.

PLACE: Cancelled as of Friday, July 31, 2020

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Please check the Board Web Site at <https://flboardofmedicine.gov/meeting-information/> for cancellations or changes to meeting dates or call the Board of Medicine at (850) 245-4131 for information.

A copy of the agenda may be obtained by contacting: Board of Medicine at <https://flboardofmedicine.gov/meeting-information/>.

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

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

For more information, you may contact: Board of Medicine at <https://flboardofmedicine.gov/meeting-information/>.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

**RULE NO.: RULE TITLE:**

68D-21.002 Procedures for Reviewing Applications

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

DATE AND TIME: August 10, 2020, 1:00 p.m.

PLACE: This meeting will be held virtually via WebEx and telephone. Details for connecting to the meeting are below:

Link to Join:  
<https://fwc.webex.com/fwc/j.php?MTID=mb12c2b918caf4bfd999167afcec63e2f>

Password (if needed): D7Qtg4mnCV6

Join by phone: +1-408-418-9388 United States Toll

Access Code: 129 618 4174

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Fish and Wildlife Conservation Commission's preliminary determination that the City of Miami Beach has provided substantial competent evidence that a slow speed minimum wake boating restricted area within Meloy Channel to include the waters south of the MacArthur Causeway Bridge adjacent to the Miami Beach Marina is necessary to protect public safety. A copy of the agenda may be obtained by contacting: Kate Gorman, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600.

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: Kate Gorman, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600.

**PANHANDLE PUBLIC LIBRARY COOPERATIVE SYSTEM**

The Panhandle Public Library Cooperative System (PPLCS) announces a public meeting to which all persons are invited.

DATE AND TIME: August 19, 2020, 10:00 a.m.

PLACE: the PPLCS meeting room located at 2862 Madison St., Ste. 1, Marianna, FL 32448

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** normal board meeting material.

A copy of the agenda may be obtained by contacting: C. De La Hunt at [cdelahunt@pplcs.net](mailto:cdelahunt@pplcs.net) or 850.482.9296.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: C. De La Hunt at [cdelahunt@pplcs.net](mailto:cdelahunt@pplcs.net) or 850.482.9296. 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: C. De La Hunt at cdelahunt@ppls.net or 850.482.9296.

**Section VII  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has received the petition for declaratory statement from Jerald Ryan, filed on March 23, 2020. The petition seeks the agency's opinion as to the applicability of Section 489.103, F.S., as it applies to the petitioner.

Petitioner seeks a determination from the Board regarding the State of Florida licensing requirements as it pertains to an unlicensed contractor operating as an owner builder by obtaining an owner builder permit and presenting a power of attorney to the building authority to perform work on a pool. 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: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Donald.Shaw@myfloridalicense.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

DEPARTMENT OF EDUCATION

University of Florida

Notice of Bid

University of Florida Procurement Services will receive sealed bids for ITB21KO-108, Air Handling Unit Replacement at Fine Arts D on September 14, 2020 at 3:00 PM. A mandatory pre-bid conference will be held August 19, 2020 at 9:00 AM at the site. Contractor questions and requests for clarification are due August 25, 2020 at 5:00 PM. All questions can be directed to Karen Olitsky, Procurement Agent III, at kolitsk@ufl.edu. For bid documents and other information visit <https://procurement.ufl.edu/vendors/schedule-of-bids/>.

DEPARTMENT OF MANAGEMENT SERVICES

Public Notice: State Agency for Surplus Property (SASP) Warehouse Closing effective December 31, 2020

The SASP is revising its business model to a virtual direct ship model. This means the Starke Distribution Center located at 14281 US HWY 301 South Starke, Fl 32091 will close and offer surplus only through GSAXcess@.

By following best practices of other leading business models, the State of Florida believes that a virtual direct ship model will be more efficient and effective in meeting all customer needs throughout Florida.

Interested parties may submit comments by [date 30 calendar days from publication] to [Contact Person, Address, Email]. This public notice fulfills the requirements of 41 CFR §102-37.165.

**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., Monday, July 27, 2020 and 3:00 p.m., Friday, July 31, 2020.

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
6A-1.09422	7/29/2020	8/18/2020
6A-6.0253	7/29/2020	8/18/2020
6A-6.0951	7/29/2020	8/18/2020
6A-7.0710	7/29/2020	8/18/2020
6A-14.0306	7/29/2020	8/18/2020
33-601.504	7/30/2020	8/19/2020
53ER20-62	7/30/2020	8/3/2020
53ER20-63	7/30/2020	8/3/2020
53ER20-64	7/30/2020	8/3/2020
53ER20-65	7/30/2020	7/30/2020
64B9-3.002	7/28/2020	8/17/2020

**LIST OF RULES AWAITING  
EPA APPROVAL PURSUANT TO  
SECTION 373.4146 (2), FLORIDA STATUTES**

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
62-330.010	7/21/2020	**/**/****
62-330.050	6/26/2020	**/**/****
62-330.060	6/26/2020	**/**/****
62-330.090	6/26/2020	**/**/****
62-330.201	6/26/2020	**/**/****
62-330.340	6/26/2020	**/**/****
62-330.402	6/26/2020	**/**/****
62-331.010	7/21/2020	**/**/****
62-331.020	6/11/2020	**/**/****
62-331.030	6/11/2020	**/**/****

62-331.040	6/11/2020	**/**/****
62-331.050	6/11/2020	**/**/****
62-331.051	7/21/2020	**/**/****
62-331.052	7/21/2020	**/**/****
62-331.053	7/21/2020	**/**/****
62-331.054	7/21/2020	**/**/****
62-331.060	7/21/2020	**/**/****
62-331.070	6/11/2020	**/**/****
62-331.080	7/21/2020	**/**/****
62-331.090	7/21/2020	**/**/****
62-331.100	6/11/2020	**/**/****
62-331.110	7/21/2020	**/**/****
62-331.120	7/21/2020	**/**/****
62-331.130	6/11/2020	**/**/****
62-331.140	6/11/2020	**/**/****
62-331.160	7/21/2020	**/**/****
62-331.200	7/21/2020	**/**/****
62-331.201	7/21/2020	**/**/****
62-331.210	7/21/2020	**/**/****
62-331.211	6/11/2020	**/**/****
62-331.212	6/11/2020	**/**/****
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62-331.214	6/11/2020	**/**/****
62-331.215	7/21/2020	**/**/****
62-331.216	7/21/2020	**/**/****
62-331.217	7/21/2020	**/**/****
62-331.218	6/11/2020	**/**/****
62-331.219	6/11/2020	**/**/****
62-331.220	6/11/2020	**/**/****
62-331.221	6/11/2020	**/**/****
62-331.222	6/11/2020	**/**/****
62-331.223	6/11/2020	**/**/****

62-331.224	6/11/2020	**/**/****
62-331.225	7/21/2020	**/**/****
62-331.226	7/21/2020	**/**/****
62-331.227	6/11/2020	**/**/****
62-331.228	6/11/2020	**/**/****
62-331.229	7/21/2020	**/**/****
62-331.230	7/21/2020	**/**/****
62-331.231	7/21/2020	**/**/****
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62-331.238	6/11/2020	**/**/****
62-331.239	6/11/2020	**/**/****
62-331.240	7/21/2020	**/**/****
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62-331.242	7/21/2020	**/**/****
62-331.243	6/11/2020	**/**/****
62-331.244	6/11/2020	**/**/****
62-331.245	6/11/2020	**/**/****
62-331.246	6/11/2020	**/**/****
62-331.247	6/11/2020	**/**/****
62-331.248	7/21/2020	**/**/****

64B8-10.003	12/9/2015	**/**/****
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DEPARTMENT OF MANAGEMENT SERVICES  
 Public Notice: State Agency for Surplus Property (SASP)  
 Warehouse Closing effective December 31, 2020  
 The SASP is revising its business model to a virtual direct ship model. This means the Starke Distribution Center located at 14281 US HWY 301 South Starke, Fl 32091 will close and offer surplus only through GSAXcess®.  
 By following best practices of other leading business models, the State of Florida believes that a virtual direct ship model will be more efficient and effective in meeting all customer needs throughout Florida.  
 Interested parties may submit comments by [date 30 calendar days from publication] to [Contact Person, Address, Email]. This public notice fulfills the requirements of 41 CFR §102-37.165.

**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.

<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****