

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-404.103 Definitions;
33-404.112 Risk Assessment of Inmates in an Inpatient
 Setting.

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to modify the provisions concerning who is responsible for leading the Risk Assessment Team (RAT) during RAT meetings and to add language requiring the RAT to meet after a critical event. The RAT consists of a security representative, a psychologist, and a classification officer who assess inmates for risk of violence and assign level of security restraint during inpatient mental health treatment. The proposed rules define what constitutes a critical event and adds timeframes for when the RAT meets. The proposed rule also defines business day.

SUBJECT AREA TO BE ADDRESSED: Mental Health Services

RULEMAKING AUTHORITY: 944.09, 945.49 F.S.

LAW IMPLEMENTED: 944.09, 945.42, 945.49 F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Office of the General Counsel, Attn: FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com. A copy of the preliminary draft may also be obtained using the following link: <http://www.dc.state.fl.us/legal/ch33/notices/index.html>

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:
64D-3.049 Protocols for Controlling COVID-19 in
 School Settings

PURPOSE AND EFFECT: In furtherance of the Florida Department of Health's authority to adopt rules governing the control of preventable communicable diseases—and because

students benefit from in-person learning—it is necessary to promulgate a rule regarding COVID-19 safety protocols that protects parents' rights and to maximize the allowance of in-person education for their children. Unnecessarily removing students from in-person learning poses a threat to the welfare of children, including their social, emotional and educational developmental, and is not necessary absent illness.

SUBJECT AREA TO BE ADDRESSED: Protocols for controlling COVID-19 in school settings

RULEMAKING AUTHORITY: 1003.22(3) FS

LAW IMPLEMENTED: 1003.22(3) FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carina Blackmore, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703, (850)245-4732.

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

Section II

Proposed Rules

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:
12D-8.0065 Transfer of Homestead Assessment
 Difference; "Portability"; Sworn Statement
 Required; Denials; Late Applications

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.0065(2)(a)1., F.A.C., is necessary to reflect amendments to subsection 193.155(8), F.S., as amended by Chapter 2020-175, L.O.F.

SUMMARY: The proposed amendment to Rule 12D-8.0065(2)(a)1., F.A.C., updates the requirements for applying for the transfer of an assessment difference from a previous homestead property to a new homestead property. This update extends the timeframe from two years to three years for a property owner to transfer the accrued benefit from certain assessment limitations on homestead property.

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: 1) no requirement for a SERC was triggered under Section 120.541(1), F.S.; and, 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 195.027(1) FS.

LAW IMPLEMENTED: 192.047, 193.114, 193.1142, 193.155, 193.461, 193.703, 194.011, 194.013, 195.084, 196.011, 200.065 FS.

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

DATE AND TIME: October 14, 2021, at 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building 2, Room 1220, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mike Cotton at (850)617-8870. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Cotton, Property Tax Oversight Program, telephone 850-617-8870 or email DORPTO@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-8.0065 Transfer of Homestead Assessment Difference; "Portability"; Sworn Statement Required; Denials; Late Applications.

(1) No change.

(2) Section 193.155(8), F.S., provides the procedures for the transfer of the homestead assessment difference to a new homestead, within stated limits, when a previous homestead is abandoned. The amount of the assessment difference is transferred as a reduction to the just value of the interest owned

by persons that qualify and receive homestead exemption on a new homestead.

(a) This rule sets limits and requirements consistent with Section 193.155(8), F.S. A person may apply for the transfer of an assessment difference from a previous homestead property to a new homestead property if:

1. The person received a homestead exemption on the previous property on January 1 of one of the last ~~three~~ two years before establishing the new homestead; and,

2. through 4. No change.

(b) No change.

(3) through (12) No change.

Rulemaking Authority 195.027(1), ~~213.06(1)~~ FS. Law Implemented 192.047, 193.114, 193.1142, 193.155, 193.461, 193.703, 194.011, 194.013, 195.084, 200.065 FS. History—New 9-10-15, Amended xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mike Cotton

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: 09/21/21

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: November 23, 2020.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NOS.: RULE TITLES:

12E-1.008	Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause
12E-1.012	Consumer Reporting Agencies
12E-1.023	Suspension of Driver License; Suspension of Motor Vehicle Registration
12E-1.028	Garnishment by Levy
12E-1.030	Administrative Establishment of Child Support Obligations
12E-1.036	Administrative Establishment of Paternity and Support Obligations
12E-1.039	Request for Services

PURPOSE AND EFFECT: The purpose of the proposed amendments to these rule sections regarding administration of the Child Support Program is to incorporate the provisions of Chapter 2021-103, L.O.F., which allow notices to the obligor relating to consumer reports to be made by regular mail, updates the process for rendering final orders, and allows financial institutions to elect to participate in the Federally Assisted State Transmitted (FAST) data exchange to receive secure levy notifications and data electronically. In addition, this rulemaking is necessary to adopt updates to forms used by the Program.

SUMMARY: The proposed amendments to these rule sections allow notices to the obligor relating to consumer reports to be made by regular mail and updates the process for rendering final orders by removing the requirement for the order to be filed with the Department of Revenue's clerk or deputy clerk. The proposed amendments provide procedures to allow financial institutions to elect to participate in the Federally Assisted State Transmitted (FAST) data exchange to receive secure levy notifications and data electronically. In addition, forms used by the Child Support Program are updated to provide a notice may be issued to recipients of public assistance from the State of Florida that have not returned required documents to the Department and provide for online scheduling of appointments to submit samples for required genetic testing to establish paternity and child support obligations.

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: : 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S. Any person wishing 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.

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: 61.13(1)(b)7., 61.1354(5), 61.14(1)(d), 409.2557, 409.2557(3)(h), 409.2557(3)(i), 409.2557(3)(p), 409.2563(7)(e), 409.2563(16), 409.25633(9), 409.25656(11) FS.

LAW IMPLEMENTED: 61.13016, 61.1354, 322.058, 409.256, 409.2563, 409.25633, 409.25656, 409.2567, 409.2572 FS.

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

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: Bobby York at (850)617-8037. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bobby York, Government Analyst II, Child Support Program, Department of Revenue, P.O. Box 8030, Mail Stop 2-4464, Tallahassee, Florida 32314-8030, Telephone: (850)617-8037

THE FULL TEXT OF THE PROPOSED RULE IS:

12E-1.008 Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause.

(1) and (2) No change.

(3) Determination of Noncooperation. If a recipient of public assistance does not cooperate with the Department as provided by Section 409.2572, F.S., and subsection (2), the Department will mail the Notice of Noncooperation (Form CS-CF07), incorporated herein by reference, effective 11/21 11/20, (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____42329) to the recipient at the last known address provided to the Department.

(a) through (c) No change.

(4) through (6) No change.

Rulemaking Authority 409.2557(3)(h) FS. Law Implemented 409.2572 FS. History—New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended 3-6-02, 9-17-18, 11-12-20, _____.

12E-1.012 Consumer Reporting Agencies.

(1) through (3) No change.

(4) Notice and Right to Hearing.

(a) No change.

(b) An obligor may contest the Department's reporting of overdue support to consumer reporting agencies. To contest:

1. and 2. No change.

3. When the review is concluded, the Department shall hand-deliver or send the obligor by regular mail a Notice of Decision Concerning Report to Consumer Reporting Agencies, Form CS-EF62, incorporated herein by reference, effective 11/21 09/19/2017, (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____08618).

The notice must inform the obligor whether the Department intends to report the obligor's overdue support amount to the consumer reporting agencies. The notice must inform the obligor of the right under Chapter 120, F.S., to file a petition for administrative hearing to contest the accuracy of the information to be reported.

- 4. No change.
- (5) No change.

(6) Department Requests for Consumer Reports. The Department is authorized to request consumer reports from consumer reporting agencies pursuant to Sections 61.1354(3) and (4), F.S. Before the Department submits a request for a consumer report to a consumer reporting agency, the Department shall certify one-time to the consumer reporting agency that every subsequent request for a consumer report from that agency will meet the requirements set forth in Section 61.1354(3), F.S. When the Department requests a consumer report, the Department shall provide the Notice of Intent to Request Credit Report, Form CS-EF15, incorporated herein by reference, effective 09/19/2017, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08619>), by ~~regular~~ certified mail to the individual's last known address at least 15 days prior to transmitting the request to the consumer reporting agency. Rulemaking Authority 61.1354(5), 409.2557 FS. Law Implemented 61.1354 FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.009, Amended 10-22-00, 10-30-06, 9-19-17, 11-12-20,_____.

12E-1.023 Suspension of Driver License; Suspension of Motor Vehicle Registration.

- (1) through (3) No change.
- (4) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration.

(a) In accordance with Section 61.13016(1), F.S., the Department shall send to the obligor by regular mail a Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s), Form CS-EF55, incorporated herein by reference, effective 11/21 ~~11/20~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____42342), Notice shall be mailed to the obligor's address of record with the Department of Highway Safety and Motor Vehicles.

- (b) and (c) No change.
- (5) through (8) No change.

Rulemaking Authority 409.2557(3)(i) FS. Law Implemented 61.13016, 322.058 FS. History—New 7-20-94, Formerly 10C-25.020, Amended 3-6-02, 9-19-17, 3-25-20, 11-12-20,_____.

12E-1.028 Garnishment by Levy.

- (1) through (12) No change.
- (13) FAST Levy; Electronic Notification and Data Exchange.

(a) Financial institutions may elect to participate in the Federally Assisted State Transmitted (FAST) Levy service sponsored by the federal Office of Child Support Enforcement. With FAST Levy, the Department notifies participating financial institutions of pending levy actions by periodically transmitting an electronic data file to the federal Office of Child Support Enforcement, instead of serving the financial

institution with notices by registered mail for each obligor. The financial institution receives the Department's data by accessing the secure website maintained by the federal office and processes the Department's data to determine the customer accounts levied upon and the amounts of the levies. The financial institution provides the data to the FAST Levy central site, which generates a response file to the Department. Using FAST Levy, participating financial institutions are able to process levy notices from multiple states in a standardized, automated manner.

(b) To learn more about Fast Levy, financial institutions may contact the federal Office of Child Support Enforcement at FASTLevy@acf.hhs.gov. The federal Agreement to Receive Electronic Lien/Levy Notices (FAST Levy Financial Institution Profile Form) is incorporated herein by reference, effective 10/21 (<http://www.flrules.org/Gateway/reference.asp?No=Ref>). Financial institutions that elect to participate in FAST Levy must enter into a memorandum of understanding with the Department that is the same or substantially similar to Memorandum of Understanding, Child Support Garnishment Actions and Electronic Data Exchange (CS-EF314), incorporated herein by reference, effective 10/21 (<http://www.flrules.org/Gateway/reference.asp?No=Ref->).

- ~~(14)~~(13) No change.

Rulemaking Authority 409.2557(3)(i), 409.25656(11) FS. Law Implemented 409.25656 FS. History—New 4-3-02, Amended 4-16-20, 11-12-20,_____.

12E-1.030 Administrative Establishment of Child Support Obligations.

- (1) through (13) No change.
- (14) Modifying an Administrative Support Order.
- (a) through (c) No change.

(d) The Department shall notify the parents or caregiver when it begins a proceeding to modify the support obligation of an Administrative Support Order.

1. The Department uses Form CS-OA120R, Proposed Order to Modify Administrative Support Order, hereby incorporated by reference, effective 11/20, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12346>), to modify the support obligation amount when a review indicates a modification is appropriate. If the party that did not request the review responds during the support order review, the Department sends the proposed order by regular mail to both parties to their addresses of record. If the non-requesting party does not participate in the support order review, the Department shall attempt to serve the proposed order on the non-requesting party by certified mail or personal service. If service is not accomplished by certified mail or personal service, the Department shall send the non-requesting party the proposed order by regular mail to the non-requesting party's address of

record. If the proposed order is not contested by either party within 30 days of service by certified mail or personal service, or 35 days after the Notice is sent by regular mail, the Department prepares and renders Form CS-OA140R, Final Modified Administrative Support Order, hereby incorporated by reference, effective 10/21 ~~08/19~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____44088). Under Section 409.2563(13)(c), F.S., a party to an administrative proceeding has a continuing duty to provide the Department with a current mailing address after being served with an initial notice under paragraph (5)(b) of this rule, and the party is presumed to receive a subsequent notice, proposed order or other document mailed to the party's address of record including a proposed order to modify support.

2. No change.

3. Except as provided by paragraph (6)(a), a blank Title IV-D Standard Parenting Time Plan is included with Form CS-OA120R and CS-OA140R when the parents do not provide a parenting time plan of their own or do not agree to a Title IV-D Standard Parenting Time Plan. If a parenting time plan is not incorporated into the Final Modified Administrative Order, the Department will provide each parent a blank Petition to Establish a Parenting Time Plan ~~is provided~~, except as provided by paragraph (6)(a). The Petition to Establish a Parenting Time Plan is available at www.floridarevenue.com/childsupport/parenting_time_plans.

(15) Termination of an Administrative Support Order.

(a) through (d) No change.

(e) When the Department begins a proceeding to terminate an Administrative Support Order, the Department shall notify the parents or caregiver by regular mail at the address of record for each party using Form CS-OA160, Notice of Intent to Terminate Final Administrative Support Order, hereby incorporated by reference, effective 10/21 ~~09/19/2017~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____08627). If the notice is not contested the Department shall render Form CS-OA178, Final Order Terminating Administrative Support Order, hereby incorporated by reference, effective 10/21 ~~08/19~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____44089).

(16) through (18) No change.

Rulemaking Authority 61.13(1)(b)7., 61.14(1)(d), 409.2557(3)(p), 409.2563(7)(e), 409.2563(16), 409.25633(9) FS. Law Implemented 409.2563, 409.25633 FS. History—New 9-19-17, Amended 1-17-18, 9-17-18, 8-28-19, 11-12-20, ____.

12E-1.036 Administrative Establishment of Paternity and Support Obligations.

(1) through (4) No change.

(5) Obtaining Cooperation from the Mother or Caregiver.

(a) If a case is eligible for establishment of an administrative paternity order, the Department must obtain cooperation from the mother or caregiver before serving notice on the respondent. To obtain cooperation, the Department mails Form CS-OP05, Requirement to Provide Sample for Notice of Genetic Testing Appointment, hereby incorporated by reference, effective xx/xx ~~11/20~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____42354), by regular mail to the mother or caregiver. The CS-OP05 informs the mother or caregiver where and when to appear to provide a sample for genetic testing, and it also informs the mother or caregiver to bring the child(ren) named on the form to be tested.

(b) and (c) No change.

(6) No change.

(7) Notice of Proceeding to Establish Paternity and Order to Appear for Genetic Testing.

(a) Notice of Proceeding to Establish Paternity or Paternity and Administrative Support Requirements. The Department will serve the alleged father with Form CS-OP01, Notice of Administrative Proceeding to Establish Paternity, hereby incorporated by reference, effective 1/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08994>), hereafter referred to as the Notice of Proceeding. The Department will send the alleged father Form CS-OP02, Order to Appear for Genetic Testing, incorporated by reference, effective xx/xx ~~11/20~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____42352), with the Notice of Proceeding and a copy of the Paternity Declaration, CS-PO34, or an affidavit that names the alleged father. The Notice of Proceeding will be served on the respondent by certified mail, restricted delivery, return receipt requested, or by any other means of service that meet the requirements for service of process in a civil action. Once served, the alleged father must notify the Department in writing of any change of address. If the alleged father does not update the Department, the Department will serve by regular mail any other document or resulting order to the address of record and the alleged father is deemed to have received them.

(b) Proceeding in Circuit Court.

1. and 2. No change.

3. The Department then sends the petitioning parent Form CS-PO31, Family Law Financial Affidavit (Short Form), hereby incorporated by reference, effective 11/21 ~~11/20~~, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____42360). Form CS-PO31 instructs the petitioning parent to contact the Department by phone to request a Family Law Financial Affidavit (Long Form), Form CS-PO30, if the individual's gross income is \$50,000 or more per year. Form CS-PO30 is hereby incorporated by reference, effective 11/21 ~~11/20~~,

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____12361). The Department will send the CS-PO30 to the petitioning parent upon request.

4. through 6. No change.

(8) No change.

(9) Scheduling and Rescheduling of Genetic Testing Sample Collections.

(a) Scheduling of Genetic Testing Sample Collections. The Department will schedule the initial genetic testing sample collection before sending the alleged father the Order to Appear for Genetic Testing, CS-OP02, and the mother or caregiver the Requirement to Provide Sample for Notice of Genetic Testing Appointment, CS-OP05. The CS-OP02 and CS-OP05, informs the parties when and where to appear for the genetic testing sample collection. The CS-OP05 will also direct the child's mother or caregiver to bring the child to the genetic test sample collection.

(b) Rescheduling of Genetic Testing. The Department will reschedule the appointment for a genetic testing sample collection:

1. When a person scheduled for the genetic testing sample collection asks the Department to reschedule the genetic testing sample collection before the ordered test date. The person does not have to provide the Department a reason for rescheduling the initial genetic testing sample collection. The Department will inform the person of the new date using Department form Requirement to Provide Sample for Notice of Genetic Testing Appointment, CS-OP05.

2. through 3. No change.

(c) through (d) No change.

(10) Refusal to Submit to Genetic Testing Sample Collection or Failure to Appear for Genetic Testing Sample Collection.

(a) Section 409.256(7), F.S., allows the Department to take one or more of the following actions if a person refuses to submit to the genetic testing sample collection or fails to appear on the ordered date, does not use the one-time opportunity to reschedule, or does not show good cause for missing the sample collection within 10 days after the scheduled sample collection.

(b)(a) If the alleged father does not appear without requesting rescheduling or providing good cause, the Department will schedule a second genetic sample collection and send the alleged father the Requirement to Provide Sample for Notice of Genetic Testing Appointment, CS-OP05, which will list the new date, time, and location of the genetic testing sample collection. If the alleged father does not appear to the second sample collection, the Department is authorized to start a proceeding to suspend the alleged father's driver license and motor vehicle registration as allowed by Section 61.13016, F.S. The Department will tell the alleged father of the intent to suspend his driver license and vehicle registration by sending

the Notice of Intent to Suspend Driver's License and Vehicle Registration(s) form, CS-EF55, incorporated by reference in Rule 12E-1.023, F.A.C. The Department sends this form by regular mail and it also informs the alleged father of his right to contest the action in circuit court. If the alleged father does not request a new genetic testing sample collection or contest the driver license suspension within 20 days after the mailing date of the CS-EF55, the Department will send an electronic request to the Department of Highway Safety and Motor Vehicles to suspend the driver license and vehicle registration of the alleged father. If the alleged father later complies with the Department and requests another test, and appears at the rescheduled genetic testing appointment, the Department will electronically request reinstatement of the driver license/vehicle registration from the Department of Highway Safety and Motor Vehicles. The Department will provide the alleged father the Driver License/Vehicle Registration Reinstatement Notice, CS-EF57, incorporated by reference in Rule 12E-1.023, F.A.C., which informs the alleged father to go to a local Driver License Examining Office to get the license reinstated. If the alleged father does not contest the suspension of the driver license/vehicle registration or request a new appointment, the Department will end the administrative proceeding and proceed in circuit court. The Department will not authorize reinstatement of the license until the alleged father submits to genetic testing.

(b) through (c) Renumbered (c) through (d) No change.

(11) through (14) No change.

(15) Final Order Establishing Paternity or Paternity and Child Support.

(a) The Department will render a Final Order of Paternity (http://www.flrules.org/Gateway/reference.asp?No=Ref-____11094), CS-OP50, effective 10/21 08/19, or a Final Administrative Paternity and Support Order (http://www.flrules.org/Gateway/reference.asp?No=Ref-____11095), CS-OA40, effective 10/21 08/19, both forms incorporated by reference, if the alleged father does not ask for a hearing timely. The Department may use a Final Administrative Paternity and Support Order (http://www.flrules.org/Gateway/reference.asp?No=Ref-____11096), CS-OX40, effective 10/21 08/19, and incorporated by reference, in cases where there is more than one child on the order and paternity does not need to be established for all of the children. In addition to the Final Administrative Paternity and Support Order, the Department enters an Income Deduction Order as part of the Final Administrative Paternity and Support Order. The respondent is responsible for making the ordered payments to the State Disbursement Unit until the income deduction begins.

(b) If a parenting time plan is not incorporated into the final order, the Department will provide each parent forms CS-OP50,

~~CS-0A40 and CS-0X40 include~~ a blank Petition to Establish a Parenting Time Plan, except as provided by paragraph (6)(a). The Petition to Establish a Parenting Time Plan is available at www.floridarevenue.com/childsupport/parenting_time_plans.

- (c) through (e) No change.
- (16) through (21) No change.

Rulemaking Authority 409.2557(3)(p), 409.256(17), 409.25633(9) FS. Law Implemented 409.256, 409.2563, 409.25633 FS. History—New 4-5-16, Amended 9-19-17, 1-17-18, 9-17-18, 8-28-19, 11-12-20,_____.

12E-1.039 Request for Services.

- (1) through (3) No change.
- (4) Application.

(a) To apply for services, an individual who does not receive temporary cash assistance or food assistance must submit a signed and complete electronic or paper application. The Department will obtain information concerning parents and children including: name, address, date of birth, Social Security Number, employment, health insurance, military service, and other relevant information necessary to provide child support services.

- 1. No change.
- 2. A hardcopy application may be obtained by calling 1(850) 488-KIDS (5437) or contacting a child support local office. Local child support office information is provided on the Department’s ~~Internet~~ website www.floridarevenue.com.

a. Upon request, the Department will provide an individual who requests services with Forms CS-ES51 and CS-ES50. Form CS-ES51, Application for Child Support Services, is hereby incorporated by reference effective 12/21 09/19/2017, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____08650). Form CS-ES50, Application Instructions, is hereby incorporated by reference effective 12/21 09/19/2017, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____08651). The applicant must complete and submit the CS-ES51 form provided.

b. When an applicant requests services for more than one child, the Department will provide the applicant a ~~an Additional~~ Child Information, Form CS-ES51ACI, for each additional child. Form CS-ES51ACI, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____08652), is incorporated herein by reference, effective 12/21 09/19/2017. The applicant must complete and submit the CS-ES51ACI form(s) provided.

c. When there is more than one alleged father, the Department will provide the applicant a separate Other Parent Information Additional Alleged Father, Form CS-ES52, for each alleged father. Form CS-ES52, (http://www.flrules.org/Gateway/reference.asp?No=Ref-____08653), is incorporated herein by reference, effective

12/21 09/19/2017. The applicant must complete and submit the CS-ES52 form(s) provided.

- d. No change.
- (5) Supporting documents; additional requirements.

(a) An individual who applies for services under subsection (4) or who receives public assistance must:

- 1. and 2. No change.
- 3. Provide a paternity declaration for each child who does not have a legal father.

a. The Department uses the Paternity Declaration, Form CS-PO34, for the mother and provides the form to each parent with the Application for Child Support Services. Form CS-PO34,

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____12349), is incorporated herein by reference, effective 12/21 11/20.

- b. and c. No change.

4. Provide a separate completed Father/Alleged Father Information Additional Alleged Fathers form (CS-ES119) for each alleged father named on the paternity declaration. Form CS-ES119,

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____08661), is hereby incorporated by reference, effective 12/21 09/19/2017.

- 5. through 8. No change.
- (6) Application and Referral Review.

(a) The Department will review applications submitted by an individual who does not receive temporary cash assistance or food assistance to determine whether the application is complete.

- 1. No change.
- 2. If the application is complete, the Department will send Form CS-ES55, Response to Request for Services and/or Information Request Acknowledge Request for Services, to the applicant informing them the application was received. When additional information is required for the Department to proceed, the CS-ES55, will instruct the applicant to provide the required information within 30 days after the date of the notice. Form CS-ES55,

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____08658), is hereby incorporated by reference, effective 12/21 09/19/2017.

- 3. No change.

(b) The Department will review public assistance referrals received from the Florida Department of Children and Families to determine whether additional information or documents are required to provide services.

1. The Department will send the Information Needed to Provide Services, Form CS-ES56, to the public assistance recipient informing them a request to open a child support case was received and additional information is required for the

Department to proceed. Form CS-ES56, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08659>), is hereby incorporated by reference, effective 12/21/2017.

2. The Department will provide the public assistance recipient Form CS-ES51ACI, Child Information ~~CS-ES56ACI, Additional Children~~, if there is more than one child in the household. The public assistance recipient must complete and submit the CS-ES51ACI ~~CS-ES56ACI~~ form(s) provided. ~~Form CS-ES56ACI, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08660>), is hereby incorporated by reference, effective 09/19/2017.~~

3. No change.

Rulemaking Authority 409.2557(3)(h), (i) FS. Law Implemented 409.2567 FS. History--New 9-19-17, Amended 8-28-19, 11-12-20, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bobby York
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD:
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 29, 2021

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-8.001	General
34-8.002	General Rules for Filing the CE Form 6 - Full and Public Disclosure of Financial Interests
34-8.004	Disclosure of Net Worth, Assets and Liabilities
34-8.005	Disclosure of Sources and Amounts of Income
34-8.006	Income Valuation
34-8.007	Choosing to File Copy of Income Tax Return
34-8.008	Final Filing Using the CE Form 6F
34-8.009	Amended Filing Using the CE Form 6X
34-8.011	Penalties for Late Filing

PURPOSE AND EFFECT: The purpose of this rulemaking is to update these rules to reflect that --on January 1, 2022--the Commission on Ethics will accept certain disclosure filings only through the electronic filing system that will be created and maintained by the Commission as provided in Section 112.31446, Florida Statutes. In particular, this will affect the filing of the CE Form 6 - Full and Public Disclosure of Financial Interests, the CE Form 6F - Final Full and Public Disclosure of Financial Interests, and the CE Form 6X - Amendment to Full and Public Disclosure of Financial Interests. The amendments

to these rules will also update, clarify, and re-adopt the instructions incorporated by reference within them to similarly reflect that the forms must be filed electronically beginning January 1, 2022. Finally, additional changes are being made to the all of the referenced instructions to update and clarify their language, as explained in the "summary" portion of this notice. SUMMARY: The referenced rules are each being amended to reflect the changes to the financial disclosure process, described in Section 112.3144, Florida Statutes, which will go into effect on January 1, 2022, when the electronic filing of the enumerated forms becomes active. The amendments delete references to paper filings and related statements regarding filing by paper because, in accordance with Section 112.3144(2), any enumerated disclosure filed after January 1, 2022, must be through the electronic filing system. In addition, rulemaking will repeal Rule 34-8.007, F.A.C., which allowed filers of the enumerated forms to file a copy of their most recent income tax return with their disclosure filing, as Section 112.3144(6)(c) states that, starting January 1, 2022, the Commission may no longer accept federal income tax returns for the purpose of reporting income. Further, the material incorporated by reference in Rules 34-8.002, 34-8.008, and 34-8.009 are being amended to eliminate paper forms, although such material will continue to include the instructions needed to complete disclosure filings. And, finally, all of the referenced instructions are being updated to reflect: (1) an active or former officer or employee listed in Section 119.071, F.S., submitting a written request to maintain the confidentiality of his or her home address must ensure that the request is notarized; (2) bank accounts, debit, charge, and credit card numbers are not required to be disclosed; and (3) only that alimony considered gross income under federal law is subject to disclose as a primary source of income. Rule 34-8.002 is being amended to have the instructions for the Form 6 reference the 2021 calendar year, while Rule 34-8.008 is being amended to have the instructions for the Form 6F reference the 2022 calendar year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Approximately 4,000 persons are required by law to file the CE Form 6 (and related forms) each year, depending on their positions. Other than the amount of time they expend to

complete the forms, any economic impact is nominal. The Commission will absorb in its annual budget the costs of creating and maintaining the electronic filing system which will be used to submit CE Form 6 filings beginning January 1, 2022. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Art. II, Section 8, Fla. Const., 112.3144, 112.31455, 112.31446, 112.3145, 112.3147, 112.322(9), F.S.

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., 112.3144, 112.31455, 112.312, F.S.

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

DATE AND TIME: October 22, 2021, 8:30 a.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.001 General.

(1) The Commission on Ethics has the responsibility pursuant to Article II, Section 8(4)1, Florida Constitution, to prescribe forms for disclosure of income sources and amounts and the rules under which such forms are to be filed, which rules shall include disclosure of secondary sources of income. In addition, the Commission is authorized by Section 112.3147, F.S., to prescribe forms required for use in making the disclosures required by Article II, Section 8, Florida Constitution, and by Section 112.322(9), F.S., to adopt rules interpreting the disclosures established by Article II, Section 8, Florida Constitution. The forms for full and public disclosure shall be prescribed in accordance with the rules of this chapter and adopted by reference herein in Chapter 34-7, F.A.C.

(2) As used in this chapter and as referenced in the electronic filing system created and maintained by the Commission as provided in s. 112.31446, unless the context otherwise requires:

a. "CE Form 6 – Full and Public Disclosure of Financial Interests" means the fields of information required to complete the full and public disclosure requirements of s. 8, Art. II of the State Constitution, as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX (1/2022).

b. "CE Form 6F – Final Full and Public Disclosure of Financial Interests" means the fields of information required to complete the final disclosure statement required by s. 112.3144(10), as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX (1/2022).

c. "CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests" means the fields of information required on an amendment to a full and public disclosure of financial interest submitted pursuant to s. 112.3144(11), as set forth by the instructions available at www.fl.rules.org/Gateway/reference.asp?No=Ref-XXXXX (1/2022).

PROPOSED EFFECTIVE DATE January 1, 2022.

Rulemaking Specific Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History–New 4-7-77, Formerly 34-8.01, Amended 8-7-94, 11-7-01, _____.

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

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Commission. Full and public disclosure of financial interests means completing, through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, a sworn disclosure filing, identified in the system as the CE Form 6 – Full and Public Disclosure of Financial Interests, filing a sworn statement showing net worth, assets, and liabilities, and sources of income on the form prescribed by the Commission, CE Form 6 – Full and Public Disclosure of Financial Interests, together with either a copy of the person's most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. The instructions for completing the Full and Public Disclosure of Financial Interests CE Form 6 (1/2022 4/2020) <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> 41074, are is incorporated by reference herein and may be obtained without cost from the Florida Commission on

Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

~~(2) Except for disclosures filed as part of a candidate's qualifying papers, full and public disclosure under this rule must be filed no later than 5:00 p.m. on the due date. However, any disclosure that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company which bears a date on or before the due date, shall also be proof of mailing in a timely manner.~~

~~(2)(3)~~No change.

(3) Pursuant to s. 112.3144(2), public officers and employees required to file the CE Form 6 – Full and Public Disclosure of Financial Interests with the Commission on Ethics must file electronically through the electronic filing system.

(4) When submitting qualifying papers, an incumbent in an elective office or a candidate holding another position subject to the annual filing requirement may submit either a copy of the CE Form 6 – Full and Public Disclosure of Financial Interests filed with the Commission, or the verification or receipt of filing generated by the electronic filing system at the time of submission. Candidates not subject to the annual filing requirement must use the electronic filing system to complete and print a CE Form 6 – Full and Public Disclosure of Financial Interests to be submitted to the officer before whom he or she qualifies.

PROPOSED EFFECTIVE DATE January 1, 2022.

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

34-8.004 Disclosure of Net Worth, Assets and Liabilities.

The Commission shall prescribe a part of ~~the~~ CE Form 6 – Full and Public Disclosure of Financial Interests for disclosure of net worth, assets and liabilities which satisfies the financial interest requirements of Article II, Section 8 of the Florida Constitution, as amended by ~~Part part~~ III, Chapter 112, Florida Statutes. This disclosure filing ~~Such form~~ shall provide space for the specific identification and value of each asset which exceeds \$1,000 in value and for the name and address of the creditor for each liability which exceeds \$1,000 in amount and its amount, and shall require a statement of the value of the

reporting person's net worth as of December 31st of the preceding year or a more current date. ~~The disclosure filing form~~ shall provide for the officer's or candidate's written declaration, as provided for under s. 92.525(2), and electronic signature oath verifying the information contained in the completed filing form. ~~The disclosure filing form~~ for disclosure of net worth, assets and liabilities prescribed pursuant to this rule shall be used by any officer, employee, or candidate required to file full and public disclosure of his or her financial interests pursuant to Article II, Section 8 of the Florida Constitution.

PROPOSED EFFECTIVE DATE January 1, 2022.

Specific Authority Art. II, Section 8, Fla. Const., 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144, 112.312 FS. History– New 4-7-77, Amended 10-3-84, Formerly 34-8.04, Amended 8-7-94, _____.

34-8.005 Disclosure of Sources and Amounts of Income.

The Commission shall prescribe as part of ~~the~~ CE Form 6 – Full and Public Disclosure of Financial Interests provisions for the disclosure of sources and amounts of income and for the disclosure of secondary sources of income as required by Article II, Section 8(a) ~~and (h)~~ of the Florida Constitution.

(1) ~~The filing form~~ for disclosure of income sources shall provide for the disclosure of the name and address of each source of income which exceeds \$1,000 received by the officer or candidate or by any person for the officer's or candidate's benefit and use during the previous tax year. ~~The filing form~~ also shall provide for disclosure of the amount of income received from each source and shall provide for the officer's or candidate's written declaration, as provided for under s. 92.525(2), and electronic signature oath verifying the information contained in the completed filing form.

(2) No change.

(3) ~~The filing form~~ for disclosure of secondary sources of income shall provide for the officer's or candidate's written declaration, as provided for under s. 92.525(2), and electronic signature oath verifying the information contained in the completed filing form.

PROPOSED EFFECTIVE DATE January 1, 2022.

Specific Authority Art. II, Section 8, Fla. Const., 112.3144, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const. History–New 4-7-77, Formerly 34-8.05, Amended _____.

34-8.006 Income Valuation.

The method of determining one's income for purposes of disclosure under this chapter shall be in accordance with this rule.

~~(1) A reporting official choosing to file his most recent federal income tax return shall prepare such return pursuant to the Internal Revenue Code of 1954, Title 26, United States Code, as amended.~~

~~(2) Each person who is required to file a full and public disclosure of financial interests must Reporting officials choosing to file a sworn statement disclosing all sources and amounts of income in excess of \$1,000 and shall follow federal income tax principles pursuant to the Internal Revenue Code of 1954, Title 26, United States Code, as amended.~~

~~PROPOSED EFFECTIVE DATE January 1, 2022.~~

~~Specific Authority Art. II, Section 8, Fla. Const., 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const. History–New 5-17-77, Formerly 34-8.06, Amended _____.~~

34-8.007 Choosing to File Copy of Income Tax Return.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const. History–New 5-17-77, Formerly 34-8.07, Amended 8-7-94, 7-2-00, 11-7-01, 1-1-12, 10-12-15, Repealed _____.

PROPOSED EFFECTIVE DATE January 1, 2022.

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

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, complete and file through the electronic filing system created and maintained by the Commission as provided in s. 112.31446 ~~file with the Commission~~ a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be identified in the system as the ~~on the form prescribed by the Commission,~~ CE Form 6F – Final Full and Public Disclosure of Financial Interests. The instructions for completing the Final Full and Public Disclosure of Financial Interests CE Form 6F (1/2022 4/2024) ~~are~~ http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 41075, ~~are~~ is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

(3) Pursuant to s. 112.3144(2), Florida Statutes, public officers and employees required to file the CE Form 6F – Final Full and Public Disclosure of Financial Interests with the Commission on Ethics must file electronically through the electronic filing system.

PROPOSED EFFECTIVE DATE January 1, 2022.

Rulemaking Authority 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3144(5) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, _____.

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

(1) At any time after submitting the CE Form 6 – Full and Public Disclosure of Financial Interests, a ~~A~~ person may amend his or her original disclosure filing full and public disclosure of financial interests to add to or modify the information originally reported on the form as originally filed at any time after filing the disclosure form. Filers shall complete an amended filing through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, Florida Statutes, which will allow them to access and complete the disclosure filing identified in the system as the CE Form 6X – Amendment to the Full and Public Disclosure of Financial Interests. ~~The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests. The instructions for completing the Amendment to the Full and Public Disclosure of Financial Interests CE Form 6X (1/2022 4/2024),~~ http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 41076, ~~are~~ is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE January 1, 2022.

Rulemaking Authority 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3144(7) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, _____.

34-8.011 Penalties for Late Filing.

(1) Upon determining that a CE Form 6 – Full and Public Disclosure of Financial Interests has not been filed by the due date ~~CE Form 6 has been filed after the due date or that the maximum fine has accrued,~~ Commission staff shall send a notice by email U.S. Mail notifying the delinquent person of the failure to timely file, and shall redeliver the notice on a weekly basis by email as long as the person remains delinquent. ~~of the amount of the payment due for the accrued fine, and of the person’s right to appeal or dispute the fine as provided in Rule 34 8.015, F.A.C.~~

(2) Upon determining that the Full and Public Disclosure of Financial Interests has been filed after the due date or that the maximum fine has accrued, Commission staff shall send a notice by email notifying the filer of the amount of the payment due for the accrued fine, and of the filer's right to appeal or dispute the fine as provided in Rule 34-8.015, F.A.C.

(3)~~(2)~~ The fine shall be \$25 per day for each late day, up to a maximum of \$1,500. Commission staff shall determine the amount of the fine due, once electronic filing goes active, based upon when the CE Form 6 – Full and Public Disclosure of Financial Interests was submitted through the electronic filing

system created and maintained by the Commission as provided in s. 112.31446, Florida Statutes. Until that time, the fine will be based on the earliest of the following:

- (a) When the CE Form 6 is actually received by the Commission;
- (b) When the CE Form 6 is postmarked;
- (c) When the certificate of mailing is dated; or
- (d) When the receipt from an established courier company is dated.
- ~~(4)(3)~~ No change.
- ~~(5)(4)~~ No change.
- ~~(6)(5)~~ No change.
- ~~(7)(6)~~ No change.

PROPOSED EFFECTIVE DATE January 1, 2022.

Rulemaking Authority 112.3144, 112.322(9) FS. Law Implemented 112.3144, 112.31455 FS. History—New 11-7-01, Amended 10-12-15, .

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2021

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes a rule amendment to update the rule language regarding statutory changes.

SUMMARY: The proposed rule amendment updates the rule language due to statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

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

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

RULEMAKING AUTHORITY: 456.073(3), 456.079, 468.1685(1) FS.

LAW IMPLEMENTED: 456.072, 456.073(3), 456.079, 468.1685(4), (5), (6), 468.1755(1)(a), (j), (q) 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: Christina McGinnis, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, Christina.McGinnis@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

- (1) No change.
- (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:

<u>Violation</u>	Minimum	Maximum
------------------	---------	---------

(a) through (uu) No change.

(vv) Failure to comply with parental consent requirements of Section 1014.06, F.S. (Section 456.072(1)(rr), F.S.)

<u>First Offense:</u>	<u>Reprimand and a fine of \$250.00 to \$500.00 or in the case of application for licensure, denial of license.</u>	<u>Probation for six (6) months and a fine of \$500.00 to \$750.00 or in the case of application for licensure, denial of license.</u>
-----------------------	---	--

<u>Second Offense:</u>	<u>One (1) year probation and a fine of \$500.00 to</u>	<u>Suspension to be followed by one (1) year probation and</u>
------------------------	---	--

\$750.00 or in the case of application for licensure, denial of license.

a fine of \$750.00 to \$1,000.00 or in the case of application for licensure, denial of license.

Third Offense: Suspension followed by a minimum of two (2) years probation and a fine of \$750.00 to \$1,000.00 or in the case of application for licensure, denial of license.

Revocation or in the case of application for licensure, denial of license.

(ww) Conviction of or plea to crimes enumerated in section 456.074(5), F.S. or similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.)

First Offense: Revocation and a fine of \$5,000.00 to \$10,000.00 or in the case of application for licensure, denial of license.

(3) through (4) No change

Rulemaking Authority 456.072, 456.073(3), 456.079, 468.1685(1) FS. Law Implemented 456.072, 456.073(3), 456.074, 456.079, 1014.06, 468.1685(4), (5), (6), 468.1755(1)(a), (j), (q) FS. History—New 11-23-86, Amended 4-22-87, Formerly 21Z-14.004, 61G12-14.004, 59T-14.004, Amended 10-12-97, 10-16-00, 2-13-01, 2-10-03, 5-1-03, 7-27-06, 8-10-08, 5-23-10, 7-11-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2021
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 8, 2021

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-8.020
 RULE TITLE: Disciplinary Guidelines
 PURPOSE AND EFFECT: To comply with Chapters 2021-190 and 2021-199, Laws of Florida, two new violations with penalty ranges are added to the disciplinary guidelines in this rule for violations of parental consent requirements under s. 1014.06, F.S., and for violations of offenses listed in s. 456.074(5), F.S., or a similar offense in another jurisdiction.
 SUMMARY: In accordance with Chapters 2021-190 and 2021-199, Laws of Florida, new violations with penalty ranges are

added to the disciplinary guidelines concerning (1) failure to comply with parental consent requirements in s. 1014.06, Florida Statutes, and for (2) violations of any of the offenses listed in s. 456.074(5), Florida Statutes, or a similar offense in another jurisdiction.

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: 456.079, 456.47(7), 484.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.47(7), 484.014 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: Janet Hartman, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.020 Disciplinary Guidelines.

(1) through (4) No Change.

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., or a telehealth provider registered under Section 456.47(4), F.S., has violated Section

456.063(3), 456.065(2) or 484.013(1)(b) or 456.072, F.S., by violating any of the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES			TELEHEALTH DISCIPLINE	
	First Offense	Second Offense	Third and subsequent Offenses	First Offense	Second Offense
(a) Through (r) No Change.					
(s) Failure to comply with the parental consent requirements of s. 1014.06, F.S. (Section 456.072 (1), F.S.)	\$500 fine, and up to 1 year probation with conditions.	\$1,000 fine, and up to 6 months suspension.	\$2,000 fine, and up to 2 years suspension.	Reprimand to suspension.	Suspension to revocation.
(t) Being convicted or found guilty of, entering a plea of guilty or nolo contendere to, regardless of adjudica	Revocation and a fine of \$1,000, or in the case of application for licensure, denial of	Revocation and a fine of \$2,500, or in the case of application for licensure, denial of	Revocation and a fine of \$5,000, or in the case of application for licensure, denial of	Revocation	

tion, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of the offenses listed in s. 456.074 (5) or a similar offense in another jurisdiction. (Section 456.072 (1), F.S.)	licens	licens	licens		
	e.	e.	e.		

(6) through (7) No Change.

Rulemaking Authority 456.079, 456.47(7), 484.005 FS. Law Implemented 456.072, 456.079, 456.47(7), 484.014 FS. History—New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended 12-3-01, 3-16-04, 5-25-06, 6-24-08, 4-8-10, 3-26-18, 12-21-20, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2021

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-7.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes a rule amendment that advises the public of the potential range of penalties that the board may impose for violations set forth in HB 241 and SB 1934 (2021).

SUMMARY: This rule amendment adds disciplinary guidelines (1)(ii) and (1)(jj) for violations set forth in HB 241 and SB 1934 (2021), respectively.

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: 456.036, 456.072, 456.079, 456.47(7), 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 456.47, 486.125 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3252, or by email at allen.hall@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.001 Disciplinary Guidelines.

(1) When the Board finds that an applicant or licensee whom it regulates under Chapter 486 or Section 456.47, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties for each count or separate offense, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. As part of a final order imposing appropriate penalties, the Board shall consider requiring an applicant or licensee to attend Board meetings, perform community service, take described continuing education courses, or take and pass the applicable jurisprudence examination. The identification of offenses is descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For Florida licensees, probation may include specific compliance conditions, and conditions of probation may be required following any period of suspension of license. For out-of-state telehealth registrants, a suspension of practice may include a corrective action plan. A corrective action plan may include continuing education, passage of the Florida laws and rules exam, monitored practice, restricted practice, periodic reports to the Board, an appearance before the Board, restitution, or other corrective action deemed necessary by the Board for the health, safety, and welfare of the public. For Florida applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) Through (hh) No Change.

(ii) Failure to comply with the parental consent requirements of s. 1014.06. (Section 456.072(1)(rr), F.S.)

<u>Florida Licensees:</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$500 fine and a reprimand</u>	<u>\$2,000 fine and a reprimand</u>
<u>Second Offense</u>	<u>\$1,000 fine and a reprimand</u>	<u>\$3,000 fine and/or probation</u>
<u>Third Offense</u>	<u>\$3,000 fine and/or six (6) months suspension</u>	<u>\$5,000 fine and/or revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Reprimand and/or</u>	<u>Reprimand and/or</u>

	<u>six (6) months suspension with a corrective action plan</u>	<u>two (2) years suspension with a corrective action plan</u>
<u>Second Offense</u>	<u>Reprimand and/or one (1) year suspension with a corrective action plan</u>	<u>Reprimand and/or three (3) years suspension</u>
<u>Third Offense</u>	<u>Reprimand and/or five (5) years suspension</u>	<u>Revocation</u>

(jj) Being convicted or found guilty of, entering a plea of guilty or nolo contendere to, regardless of adjudication, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the offenses listed in s. 456.074(5) or a similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.)

<u>Florida Licensees:</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>First Offense</u>	<u>\$5,000 fine and/or five (5) years suspension; \$10,000 fine if fraudulent</u>	<u>\$10,000 fine and/or revocation</u>
<u>Second and Subsequent Offenses</u>	<u>\$10,000 fine and/or revocation</u>	<u>\$10,000 fine and revocation</u>
<u>Telehealth Registrants:</u>		
<u>First Offense</u>	<u>Ten (10) years suspension with a corrective action plan</u>	<u>Revocation</u>
<u>Second and subsequent Offenses</u>	<u>Ten (10) years suspension</u>	<u>Revocation</u>

(2) No Change.

Rulemaking Authority 456.036, 456.072, 456.079, 456.47(7), 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 456.47, 486.125 FS. History—New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06, 2-5-07, 4-5-07, 6-27-07, 6-30-10, 6-18-12, 2-6-17, 4-27-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 8, 2021

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-600.200
62-600.520
RULE TITLES: Definitions
Discharge to Surface Waters - (Coastal and Open Ocean)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 47 No. 180, September 16, 2021 issue of the Florida Administrative Register have been withdrawn. The Department will publish a new Notice of Proposed Rule for the proposed amendments to rule Sections 62-600.200 and 62-600.520, F.A.C., in an upcoming volume of the Florida Administrative Register

Section IV Emergency Rules

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64DER21-15
RULE TITLE: Protocols for Controlling COVID-19 in School Settings

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Because of an increase in COVID-19 infections, largely due to the spread of the COVID-19 delta variant, prior to the beginning of the 2021-2022 school year, it is imperative that state health and education authorities continue to provide emergency guidance to school districts concerning the governance of COVID-19 protocols in schools. In August 2021, all public schools in Florida began the 2021-2022 school year with in-person learning available for all students. The Department of Health adopted Emergency Rule 64DER21-12 on August 6, 2021. Since that time the Department has conducted a review of data for cases of COVID-19 positive school-aged children and data for school-aged children who have been in direct contact with a COVID-19 positive person. The Department observed a large number of students have been required to quarantine for long periods of time, resulting in the loss of hundreds of thousands of days of in-person learning. In addition, the Department observed no meaningful difference in

the number of COVID-19 cases in school-aged children in counties where school districts have imposed mask mandates. It is necessary to minimize the amount of time students are removed from in-person learning based solely on direct contact with an individual that is positive for COVID-19, to ensure parents and legal guardians are allowed the flexibility to control the education and health care decisions of their own children, and to protect the fundamental rights of parents guaranteed under Florida law.

In order to permit students to continue in-person learning, to minimize the detriment to students and school personnel from the added burden of recurrent removal of students, and to benefit the overall welfare of students in Florida, it is necessary to provide updated emergency guidance to school districts concerning the governance of COVID-19 protocols in schools. This emergency rule conforms to Executive Order Number 21-175, which ordered the Florida Department of Health and the Florida Department of Education to ensure safety protocols for controlling the spread of COVID-19 in schools that (1) do not violate Floridians' constitutional freedoms; (2) do not violate parents' rights under Florida law to make health care decisions for their minor children; and (3) protect children with disabilities or health conditions who would be harmed by certain protocols, such as face masking requirements. The order directs that any COVID-19 mitigation actions taken by school districts comply with the Parents' Bill of Rights, and "protect parents' right to make decisions regarding masking of their children in relation to COVID-19."

Because of the importance of in-person learning to educational, social, emotional and mental health, and welfare, removing healthy students from the classroom for lengthy quarantines should be limited. Under Florida law, parents and legal guardians have a fundamental right to direct the upbringing, education, health care, and mental health of their minor children and have the right to make health care decisions for their minor children. HB 241, Ch. 2021-199, Laws of Fla. Parents and legal guardians are uniquely situated to understand the health care, emotional, and educational needs of their minor children. In furtherance of the Florida Department of Health's authority to adopt rules governing the control of preventable communicable diseases—and because students benefit from in-person learning—it is necessary to immediately promulgate a rule regarding COVID-19 safety protocols that protects parents' rights and to maximize the allowance of in-person education for their children. Unnecessarily removing students from in-person learning poses a threat to the welfare of children, including their social, emotional and educational developmental, and is not necessary absent illness.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule is necessary in light of the unnecessary exclusion of healthy students from in-person learning and the urgent need to provide updated COVID-19 guidance to school districts. Given the evolving nature of this novel disease and the potential for adverse impacts on school children resulting from the unnecessary exclusion of healthy children from in-person learning, there is a need to issue an immediately effective rule while the department promulgates a permanent rule through the non-emergency process.

SUMMARY: Emergency rule 64DER21-15 sets forth the procedures for controlling COVID-19 in school settings. Emergency rule 64DER21-15 repeals and replaces Emergency rule 64DER21-12 that was adopted on August 6, 2021.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Carina Blackmore, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703, (850)245-4732.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64DER21-15 Protocols for Controlling COVID-19 in School Settings

(1) GENERAL PROTOCOLS AND DEFINITION. The following procedures shall be instituted to govern the control of COVID-19 in public schools:

(a) Schools will encourage routine cleaning of classrooms and high-traffic areas.

(b) Students will be encouraged to practice routine handwashing throughout the day.

(c) Students will stay home if they are sick.

(d) Schools may adopt requirements for students to wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's sole discretion.

(e) For purposes of this rule, "direct contact" means cumulative exposure for at least 15 minutes, within six feet.

(2) PROTOCOLS FOR SYMPTOMATIC OR COVID-19 POSITIVE STUDENTS. Schools will ensure students experiencing any symptoms consistent with COVID-19 or who have received a positive diagnostic test for COVID-19 shall not attend school, school-sponsored activities, or be on school property until:

(a) The student receives a negative diagnostic COVID-19 test and is asymptomatic; or

(b) Ten days have passed since the onset of symptoms or positive test result, the student has had no fever for 24 hours and the student's other symptoms are improving; or

(c) The student receives written permission to return to school from a medical doctor licensed under chapter 458, an

osteopathic physician licensed under chapter 459, or an advanced registered nurse practitioner licensed under chapter 464.

(3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19. Schools shall allow parents or legal guardians the authority to choose how their child receives education after having direct contact with an individual that is positive for COVID-19:

(a) Parents or legal guardians of students who are known to have been in direct contact with an individual who received a positive diagnostic test for COVID-19 may choose one of the following options:

1. Allow the student to attend school, school-sponsored activities, or be on school property, without restrictions or disparate treatment, so long as the student remains asymptomatic; or

2. Quarantine the student for a period of time not to exceed seven days from the date of last direct contact with an individual that is positive for COVID-19.

(b) If a student becomes symptomatic following direct contact with an individual that has tested positive for COVID-19, or tests positive for COVID-19, the procedures set forth in subsection (2), above shall apply.

Rulemaking Authority 1003.22(3) FS. Law Implemented 1003.22(3) FS. History—New 9-22-21.

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

EFFECTIVE DATE: September 22, 2021

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.012 Standards for the Prescription of Obesity Drugs
The Board of Medicine hereby gives notice: of the issuance of an Order regarding the Petition for Variance or Waiver, filed on July 22, 2021, on behalf of Nicole Turner, Michele Griffith, Michelle Oza, Maria Rodriguez, Susan Leggett, Gaja Andzel, Dawn Kabra and Calibrate Health Medical P.C. The Notice of Petition for Variance or Waiver was published in Vol. 47, No. 143, of the July 26, 2021 Florida Administrative Register. The Board considered the Petition at a duly-noticed virtual meeting held on August 27, 2021. The Board’s Order, filed on September 14, 2021, granted in part and denied in part the Petition for Variance and Waiver. The Physician Petitioners are subject to the provision of subsection 64B8-9.012(6), F.A.C.,

which requires physicians who prescribe, order or provide weight loss enhancers to patients to conduct an “in-person re-evaluation” of the patient. Co-Petitioner, Calibrate, is not subject to the provisions of Rule 64B8-9.012, and the Board determined that Calibrate had no requisite standing to bring the petition. However, the Board of Medicine finds that Petitioners have met their burden under subsection 120.542(2), F.S., and hereby Grants Petitioners a waiver of the in-person requirements of subsection 64B8-9.012(6), F.A.C.

A copy of the Order or additional information may be obtained by contacting: Paul Vazquez, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, or Paul.Vazquez@flhealth.gov.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

NOTICE IS HEREBY GIVEN that on September 8, 2021, the Department of Economic Opportunity, received a petition for Waiver from the funding ceiling requirements of Rule 73C-23.0041, F.A.C., from the City of Groveland. paragraph 73C-23.0041(2)(b), F.A.C, limits the amount of funds that an applicant may request.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jaiden Foss, Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399, or by email at agency.clerk@deo.myflorida.com and by phone (850)245-7150. Any interested person may submit written comments within 14 days after the publication of this notice to the Department of Economic Opportunity’s Agency Clerk, Jaiden Foss, at the street address or email address above.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The ****Change of Name****: Agricultural Feed, Seed and Fertilizer Enforcement Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 5, 2021, 10:00 a.m. – 12:00 Noon

PLACE: <https://global.gotomeeting.com/join/615872829>

Conference Phone – 1(877)309-2073, Access Code 615-872-829

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council discusses and makes recommendations regarding

actions to be taken with respect to the regulation and enforcement of agricultural feed, seed and fertilizer.

A copy of the agenda may be obtained by contacting: The Bureau of Inspection or Incident Response at (850)617-7996. For more information, you may contact: Neil Richmond, Chief, Bureau of Inspection and Incident Response at (850)617-7996 or Neil.Richmond@fdacs.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Florida Forest Service

The Florida Department of Agriculture and Consumer Services, Florida Forest Service (FFS) and the Four Creeks State Forest Management Plan Advisory Group announces a hearing to which all persons are invited.

DATE AND TIME: October 21, 2021, 10:30 a.m.

PLACE: ****Change of Location**Virtual:** <https://attendee.gotowebinar.com/register/8450844589828752140> or any persons unable to attend these public meetings virtually have the option to attend a locally hosted, live-stream of the meetings at the FFS Jacksonville District Office, 7247 Big Oaks Road, Bryceville, FL 32009.

GENERAL SUBJECT MATTER TO BE CONSIDERED: ****Change of Subject**** To solicit comments on management of the Four Creeks State Forest. Comments may be presented orally or in writing through the virtual platform at the hearing. Written comments may also be submitted to FFS Four Creeks State Forest Office at 3742 Clint Drive, Hilliard, FL 32046 to the attention of Kirsten Brannon and should be mailed so as to arrive at the office prior to the date of the public hearing.

AGENDA:

1. Call to Order, Introductions and Remarks
2. Summary of Draft Ten-Year Land Management Plan
3. Question / Answer on Plan Content
4. Public Comment
5. Process Summation and Adjournment

A copy of the agenda may be obtained by contacting: Four Creeks State Forest Office in writing at 3742 Clint Drive, Hilliard, FL 32046, or contacting Kirsten Brannon at (904)845-4933.

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 72 hours before the workshop/meeting by contacting: Four Creeks State Forest Office in writing at 3742 Clint Drive, Hilliard, FL 32046, or contacting Kirsten Brannon at (904)845-4933. 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: Four Creeks State Forest Office in writing at 3742 Clint Drive, Hilliard, FL 32046, or contacting Kirsten Brannon at (904)845-4933.

DEPARTMENT OF EDUCATION

The Charter School Appeal Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 29, 2021, 2:00 p.m.

PLACE: ONE VOICE: Dial-In Phone Number: 1(888)585-9008

“Conference Room” Number (equivalent to chairperson and participant passcode, used by both the chairperson and participants) 289-100-646

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issue: 47/160 (CHANGE IN DATE) The date of this call has been changed from September 28, 2021 to September 29, 2021, 2:00 p.m.

A copy of the agenda may be obtained by contacting: NA For more information, you may contact: Karen Hines-Henry at Karen.Hines@fldoe.org.

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2021, 10:00 a.m.

PLACE: There will be no in person Commission meeting. The meeting will be held via conference call. To participate in the meeting, call United States (Toll Free): 1(877)309-2073 or United States: (571)317-3129 and dial access code 337-350-165. For questions and correspondence from inmate supporters, please email inmatessupporter@fcor.state.fl.us. For questions and correspondence regarding victims’ rights, please email victimquestions@fcor.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Conditional Medical Release cases and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

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 Commission on Offender Review at ada@fcor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If 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.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-8.041 Minimum Flows

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: A website (the “WebBoard”) will be used to allow public access to and participation in communications among the chairman and members of the independent peer review panel created to conduct a review of the proposed Minimum Flows for the Little Manatee River in Hillsborough and Manatee Counties. The WebBoard will be available for public viewing from September 29, 2021, through December 31, 2022, and will be available for public comment from September 29, 2021, through January 19, 2022.

PLACE: <https://swfwmd.discussion.community/categories>

GENERAL SUBJECT MATTER TO BE CONSIDERED:

During the public viewing dates listed above, interested parties may view communications and documents posted electronically on the WebBoard. During the above-listed dates for public comment, the WebBoard will be active and peer review panelists may post information and pose questions, revisions, additions, or deletions to one another, and the public can provide comment directly on any aspect of the proposed Minimum Flows.

In addition to the WebBoard, the peer reviewers will participate in a public kickoff meeting:

DATE AND TIME: October 5, 2021, 9:00 a.m. – 4:00 p.m.

PLACE: Teleconference. Call-in number: (786)749-6127; Participant passcode: 342540737#. Microsoft Teams link:

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_Y2JmZDhhZTAtNmZiOC00MDkzLWE5MjctN2VjNmZjNDlhYzli%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%25227d508ec0-09f9-4402-8304-3a93bd40a972%2522%252c%2522Oid%2522%253a%25224251646-9ab4-47ef-a335-6dec8791812b%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=d4c63858-2502-4c55-8cf5-5e9d12ad23db

Additionally, the peer reviewers will participate in a series of teleconferences on the proposed Minimum Flows, to be held as follows:

DATE AND TIME: October 20, 2021, 1:00 p.m. – 4:00 p.m.

PLACE: Teleconference. Call-in number: (786)749-6127; Participant passcode: 538431020#. Microsoft Teams link:

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_NTM0M2RmOTEtZjhjZS00ODA3LWE1YmEtNTA2ZjBlMjEzNWU0%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%25227d508ec0-09f9-4402-8304-3a93bd40a972%2522%252c%2522Oid%2522%253a%25224251646-9ab4-47ef-a335-6dec8791812b%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=7f5da8fe-6593-43d1-9401-4757f296da3e

DATE AND TIME: October 27, 2021, 1:00 p.m. – 4:00 p.m. PLACE: Teleconference. Call-in number: (786)749-6127; Participant passcode: 739394956#. Microsoft Teams link:

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_Y2Q0NDhmNjMtNDdkOS00NTYyLWFkODktMDMxYTU5NTMzNmQx%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%25227d508ec0-09f9-4402-8304-3a93bd40a972%2522%252c%2522Oid%2522%253a%25224251646-9ab4-47ef-a335-6dec8791812b%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=340a1798-97c1-4460-9677-68d9a49da5c8

DATE AND TIME: November 3, 2021, 1:00 p.m. – 4:00 p.m. PLACE: Teleconference. Call-in number: (786)749-6127; Participant passcode: 385990150#. Microsoft Teams link:

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_Y2U1NzM4NjEtYzliMS00NzBILWFhMTMtYzZcZ2DE5YTI4ZTAx%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%25227d508ec0-09f9-4402-8304-3a93bd40a972%2522%252c%2522Oid%2522%253a%25224251646-9ab4-47ef-a335-6dec8791812b%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=38530b13-7307-4154-a0a2-bc34b3734c81

DATE AND TIME: December 15, 2021, 1:00 p.m. – 4:00 p.m. PLACE: Teleconference. Call-in number: (786)749-6127; Participant passcode: 54664290#. Microsoft Teams link:

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_NGQ3YWYwY2UtMDVIZC00ZGMOLWFkMjAtNzY1ZWU0OTVjNDk2%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%25227d508ec0-09f9-4402-8304-3a93bd40a972%2522%252c%2522Oid%2522%253a%25224251646-9ab4-47ef-a335-6dec8791812b%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=d0a90537-92ec-4111-af81-e2816e5d249a

DATE AND TIME: January 5, 2022, 1:00 p.m. – 4:00 p.m.
 PLACE: Teleconference. Call-in number: (786)749-6127;
 Participant passcode: 683105897#. Microsoft Teams link:
https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_YWRjNjI3YjItOWJINS00ZDZiLWFmNGMtOWEwMjU0YjY4Nzc3%40thread.v2%2F0%3Fcontent%3D%257b%2522Tid%2522%253a%25227d508ec0-09f9-4402-8304-3a93bd40a972%2522%252c%2522Oid%2522%253a%252244251646-9ab4-47ef-a335-6dec8791812b%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=9655e595-2462-46c9-8ed6-4a279a840d9e
 NOTE: One or more members of the District’s Governing Board may attend these meetings.

A copy of the agenda may be obtained by contacting: Kym Holzwart, Senior Environmental Scientist, at (352)796-7211, ext. 4295, or kym.holzwart@swfwmd.state.fl.us. Agendas will also be accessible at <https://swfwmd.discussion.community/categories>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office, (352)796-7211, ext. 4706; 1(800)423-1476 (FL only), ext. 4706 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kym Holzwart at (352)796-7211, ext. 4295, or kym.holzwart@swfwmd.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 The Florida Department of Environmental Protection for the Big Cypress Swamp Advisory Committee (BCSAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2021, 3:30 p.m. The meeting will end at 6:30 p.m. or will be adjourned earlier upon completion of the Committee’s business.

PLACE: The department is providing this meeting by webinar. Persons can register to attend the webinar at the following link: <https://attendee.gotowebinar.com/register/2268324791681273356>

Registrants will receive a confirmation email with information on how to join the webinar.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The BCSAC will meet to evaluate and provide recommendations on a pending permit application (DEP file No. 1394), submitted by Trend Exploration LLC, for a project to drill and explore for

hydrocarbons at a location near Immokalee, Florida, within the Big Cypress watershed. The BCSAC shall administer its charge pursuant to the laws of the state, and the rules and orders of the Department which apply generally to oil and gas. If site-specific conditions require, the committee may recommend that additional procedures, safeguards, or conditions which are necessary to protect the integrity of the Big Cypress area be required as a condition to the issuance of a permit to drill and produce.

A copy of the agenda may be obtained by contacting: Charmaine Miller at Charmaine.Miller@FloridaDEP.gov or (850)245-8574 or at the following link: <http://FloridaDEP.gov/BCSAC>

A copy of the pending application may be obtained at the following link:

[https://floridadep.gov/water/oil-gas/content/current-applications>Select Permit 1394](https://floridadep.gov/water/oil-gas/content/current-applications>Select%20Permit%201394).

For more information, contact the department at BCSAC@FloridaDEP.gov.

Written comments and relevant materials will be accepted through October 7, 2021, at the meeting and through its conclusion. To ensure BCSAC members are able to review the documents prior to the meeting, please send written comments as early as possible, on or before the conclusion of the scheduled meeting on October 7, 2021, via email to BCSAC@FloridaDEP.gov or via U.S. mail to: Big Cypress Swamp Advisory Committee, c/o Oil and Gas Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3588, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Charmaine Miller at Charmaine.Miller@FloridaDEP.gov or (850)245-8574. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Division of Recreation and Parks

The Florida Department of Environmental Protection, Division of Recreation and Parks, announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 4, 2021, 9:00 a.m. – 12:00 Noon ET

PLACE: This advisory group meeting will be conducted virtually via Microsoft TEAMS media technology free for public use. To receive a Microsoft TEAMS meeting invitation to attend the meeting, please contact Tyler Maldonado,

Planning Consultant, by phone at (850)245-3070 or by email at Tyler.Maldonado@floridadep.gov.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the proposed unit management plan updates for Honeymoon Island State Park and Caladesi Island State Park with the advisory group members.

A copy of the agenda may be obtained by contacting: Don Bergeron, Park Manager, Honeymoon Island and Caladesi Island State Parks, #1 Causeway Blvd., Dunedin, FL 34698, PH# (727)241-6100 or email Donald.Bergeron@floridadep.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Don Bergeron, as listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Pharmacy, Joint Rules Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 1, 2021, 12:30 Noon ET
PLACE: Conference Call In #: 1(888)585-9008 and Conference Room # 599-196-982(#)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Joint Rules Committee, with the Board of Pharmacy Rules Committee and representatives of the Board of Medicine and the Board of Osteopathic Medicine. Please check the Board website at <https://flboardofmedicine.gov/meeting-information/> for cancellations or changes or call the Board of Medicine at (850)245-4131 for information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: The Board of Medicine by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board of Medicine at (850)245-4131. The Board of Pharmacy by email at MQA.Pharmacy@FLHealth.gov or by calling the Board of Pharmacy at (850)245-4474. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Board of Medicine by email at BOM.MeetingMaterials@flhealth.gov or by calling the Board of Medicine at (850)245-4131. The Board of Pharmacy by email at MQA.Pharmacy@FLHealth.gov or by calling the Board of Pharmacy at (850)245-4474.

DEPARTMENT OF HEALTH

Board of Nursing

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

DATES AND TIMES: Thursday, October 7, 2021, 8:30 a.m.; Thursday, October 7, 2021, 1:30 p.m.; Friday, October 8, 2021, 8:30 a.m.

PLACE: Embassy Suites by Hilton Orlando-Lake Buena Vista South, 4955 Kyngs Heath Rd, Kissimmee, FL 34746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Credentials Committee and Education Committee meetings; Disciplinary Hearings and General Business (Full Board).

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

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: (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

The Board of Speech-Language, Pathology and Audiology announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2021, 9:00 a.m. ET

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

<https://global.gotomeeting.com/join/858834125> You can also dial in using your phone. United States (Toll Free): 1(877)309-2073, Access Code: 858-834-125

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

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

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

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

Center for Independent Living in Central Florida, Inc.

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: September 28, 2021, 8:15 a.m.

PLACE: 720 North Denning Drive, Winter Park FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Meeting to develop agenda for Board Meeting

A copy of the agenda may be obtained by contacting: Maria Diaz, (407)961-5541.

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: Maria Diaz, (407)961-5541. 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).

Florida Independent Living Council

The Florida Independent Living Council, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 27, 2021, 1:30 p.m. via Zoom

PLACE: To register go to: <https://us02web.zoom.us/j/83361088861?pwd=MkhkUk12L2hUVmhFckpuQjIwZnA3UT09>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Join CIL Broward and the Florida Independent Living Council (FILC) for a public meeting to gather input for the existing State Plan for Independent Living (SPIL). Interpreters will be available.

Persons who want to be notified of such meetings may submit a request by contacting the Florida Independent Living Council, Inc., 1882 Capital Circle NE, Suite 202, Tallahassee, Florida

32308, (850)488-5624 or Toll Free 1(877)822-1993 or email info@floridasilc.org.

A copy of the agenda may be obtained by contacting: Pursuant to the Americans with Disabilities Act, accommodations for persons with disabilities are available upon request. If you have a disability and require a reasonable accommodation to fully participate in this event, please contact Beth Meyer, PA, ADA at beth@floridasilc.org, or (850)488-5624 to discuss your accessibility needs. Please allow five business days' notification to process: last minute requests will be accepted, but may not be possible to fulfill.

Sunshine State One Call of Florida

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

DATE AND TIME: Executive Committee Meeting/Special Board of Directors Meeting, Thursday, October 7, 2021, 10:00 a.m. until adjourned

PLACE: These meetings will be held by video conference. To participate, please click on:

Sunshine 811 Executive Committee and Board of Directors Meetings

Hosted by Sunshine 811

<https://sunshine811.webex.com/sunshine811/j.php?MTID=mb1698ca6009c84035212aa5183621bc9>

Thursday, October 7, 2021 10:00 a.m. | 3 hours | (UTC-4:00) Eastern Time (US & Canada)

Meeting number: 2633 345 8262, Password: PWvUPy3ZP33

Join by video system

Dial 26333458262@sunshine811.webex.com

You can also dial 173.243.2.68 and enter your meeting number. Join by phone: (415)655-0001 US Toll, 1(844)621-3956 United States Toll Free, Access code: 263 334 58262

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose: To approve the agenda and location for the November 17, 18 & 19, 2021, Strategic Planning, Committee and Board of Directors meetings.

A copy of the agenda may be obtained by contacting: Lori Budiani, Executive Assistant: lori.budiani@sunshine811.com.

Infinite Source Communications Group, LLC

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

DATE AND TIME: Tuesday, October 12, 2021, 6:00 p.m. – 7:30 p.m.

PLACE: In-Person Public Meeting will be held at: North Shore Park and Youth Center, 501 72 Street, Miami Beach, FL 33141. All current Centers for Disease Control and Prevention (CDC) guidelines will be observed. Limited space is available. To RSVP click here.

To attend the Virtual Public Meeting online:

Visit the link:
<https://attendee.gotowebinar.com/register/3968851464773775627>

Participants can also call in by dialing (631)992-3221, Access code: 226-511-584

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a meeting, both in-person and virtually, for a roadway project along State Road (SR) A1A/Harding Avenue/Abbott Avenue from north of 96 Street to Indian Creek Drive, located in Miami-Dade County. The project identification number is 443899-1-52-01. The meeting will consist of a formal presentation followed by an open discussion. Staff will be available to answer questions and provide assistance. Questions will be responded to as time permits, in the order received. If your question is not responded to during the event, a response will be provided in writing following the hearing.

For the in-person meeting, all current Centers for Disease Control and Prevention (CDC) guidelines will be observed.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: Community Outreach Specialist, Rodolfo Roman at (305)470-5477, email: Rodolfo.Roman@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Nicholas Danu at (305)470-5219 or in writing at FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at: Nicholas.Danu@dot.state.fl.us?. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Community Outreach Specialist Rodolfo Roman at (786)519-7160, email: Rodolfo.Roman@dot.state.fl.us.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Initial Engineers, P.A. The petition seeks the agency's

opinion as to the applicability of Section 606.1.8, Florida Building Code, Plumbing, 7th Edition (2020), as it applies to the petitioner.

Petitioner presents the following question: When a water heater is fitted with a tempering valve, does section 606.1.8, Florida Building Code, Plumbing, 7th Edition (2020), require separate full open valves for the water heater and its dedicated tempering valve?

A copy of the Petition for Declaratory Statement may be obtained by contacting: The Agency Clerk's Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)921-0342, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Mo Madani, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, mo.madani@myfloridalicense.com or W. Justin Vogel, Office of the General Counsel, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)717-1795, wjustin.vogel@myfloridalicense.com.

RESPONSES, MOTIONS TO INTERVENE, OR REQUESTS FOR A HEARING MUST BE FILED WITHIN 21 DAYS OF THIS NOTICE.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that Department of Financial Services, Division of State Fire Marshal (Department) has received the petition for declaratory statement from David Dominguez. The petition seeks the agency's opinion as to the applicability of Notice of Withdrawal to withdraw petition published in the 47/141 issue of the Florida Administrative Register on July 21, 2021 as it applies to the petitioner.

Notice of WITHDRAWAL of Petition for Declaratory Statement NOTICE IS HEREBY GIVEN that on September 16, 2021, Petitioner, David Dominguez, has WITHDRAWN his Petition for Declaratory Statement filed on July 19, 2021. The Petition was published in the issue 47/141 of the Florida Administrative Register on July 21, 2021. Please refer any requests concerning the withdrawal to: Marshawn Griffin at marshawn.griffin@myfloridacfo.com.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Marshawn Griffin at marshawn.griffin@myfloridacfo.com.

Please refer all comments to: Marshawn Griffin at marshawn.griffin@myfloridacfo.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, September 16, 2021 and 3:00 p.m., Wednesday, September 22, 2021.

Rule No.	File Date	Effective Date
1S-2.009	9/17/2021	10/1/2021

1S-2.0091	9/17/2021	10/1/2021
5B-57.014	9/22/2021	10/12/2021
5B-65.001	9/17/2021	10/7/2021
5B-65.002	9/17/2021	10/7/2021
5B-65.003	9/17/2021	10/7/2021
5B-65.004	9/17/2021	10/7/2021
5B-65.005	9/17/2021	10/7/2021
5B-66.001	9/17/2021	10/7/2021
5B-66.002	9/17/2021	10/7/2021
5B-66.003	9/17/2021	10/7/2021
5B-66.004	9/17/2021	10/7/2021
5B-66.005	9/17/2021	10/7/2021
5B-66.006	9/17/2021	10/7/2021
12ER21-17	9/20/2021	10/1/2021
12ER21-18	9/20/2021	10/1/2021
12ER21-19	9/20/2021	10/1/2021
12ER21-20	9/20/2021	10/1/2021
42-2.014	9/16/2021	10/6/2021
53ER21-49	9/16/2021	9/16/2021
53ER21-50	9/16/2021	9/16/2021
53ER21-51	9/16/2021	9/16/2021
53ER21-52	9/16/2021	9/16/2021
59A-36.002	9/17/2021	10/7/2021
59A-36.006	9/17/2021	10/7/2021
59A-36.022	9/17/2021	10/7/2021
59E-2.025	9/17/2021	10/7/2021
60FF1-5.002	9/21/2021	10/11/2021
60FF1-5.010	9/22/2021	10/12/2021
61J2-2.032	9/17/2021	10/7/2021
64B7-32.001	9/20/2021	10/10/2021
64B14-2.003	9/17/2021	10/7/2021
64B14-2.005	9/17/2021	10/7/2021

64DER21-15	9/22/2021	9/22/2021
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

Additional information can be found in this notice under “County Funding Allocation,” below.

Current Changes

The Division is migrating its processes to a fully digital platform through its FDEM Portal. This includes the HMGP and will encompass everything from the application process to closeout. This migration will ultimately reduce the waste inherent in dealing with physical media, as well as streamline our grants management processes to be more efficient. Applications are currently being accepted through the FDEM Portal and doing so does not require an additional hardcopy submission. Hardcopy applications are permitted pursuant to the Rule 27P-22, Florida Administrative Code; however, the Division highly encourages all applications to solely be uploaded through the FDEM Portal. If an applicant chooses to submit a hardcopy of their application, a digital submission through the FDEM Portal will still be required.

Application Timeline

The application period will close December 21, 2021. The Division encourages potential applicants to submit complete applications before the close of the application period. Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice.

FDEM Portal Submission: If you have not already registered for access to the FDEM Portal, please see the instructions in Attachment H to do so. The information required for submitting a complete application through the FDEM Portal is the same as the State of Florida HMGP Application (Attachment F), which can be used as reference to collect all the information necessary for your project prior to submittal. If an application is submitted through the FDEM Portal, no hardcopies will be required.

A complete digital submission of your applications, and all necessary supporting documentation, must be uploaded to the FDEM Portal no later than December 21, 2021 11:59 p.m. (EST)

It is imperative that your access request for the FDEM Portal is received by the Division no later than 5:00 p.m. EST on December 21, 2021 in order to meet the application deadline.

Hardcopy Filing: If a hardcopy is filed, please provide just one original of the State of Florida HMGP Application and all appropriate attachments. In addition, submit your project(s) and

EXECUTIVE OFFICE OF THE GOVERNOR
 Division of Emergency Management
 Division of Emergency Management
 M E M O R A N D U M

To: Local Governments, State and Regional Agencies, Indian Tribal Governments, Local Mitigation Strategy Working Groups, and Non-Profit Organizations Submitting Hazard Mitigation Application for COVID-19 Pandemic (DR-4486)
 From: Kevin Guthrie, State Coordinating Officer

Subject: Hazard Mitigation Grant Program Notice of Funding Availability

Date: September 20, 2021

Program Summary

The Florida Division of Emergency Management (Division) is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declaration for the COVID-19 Pandemic (FEMA-4486-DR-FL).

HMGP funding is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act. This funding helps communities implement measures to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division encourages all potential applicants to submit applications for projects that address eligible mitigation activities.

Given the unique nature of this disaster declaration, the amount of HMGP funding available to the State is calculated.

all relevant documentation to the FDEM Portal using the directions detailed above and in Attachment H.

Any hardcopy applications sent by mail or other carrier to the Division must be postmarked on or before December 21, 2021. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. EST on December 21, 2021.

The HMGP application and all other pertinent resources for completing the application may be obtained at the Division’s website located at <https://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program/> in the section HMGP Application and Resources.

Questions regarding the FDEM Portal system may be directed to:

Jared Jaworski, (850)544-8372,
 Jared.jaworski@em.myflorida.com

Any completed hardcopy applications must be sent to the following address:

ATTN: Kathleen Marshall, Hazard Mitigation Grant Program, Florida Division of Emergency Management, Mitigation Bureau, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Minimum Program Eligibility

Eligible Applicants: According to the Code of Federal Regulations (CFR) 44 §206.434(a), the following parties are eligible to apply for Hazard Mitigation Grant Program funds:

- State and local governments who have an approved Local Mitigation Strategy (LMS) in accordance with 44 CFR §201.6, prior to receipt of HMGP subgrant funding for projects;
- Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in §206.221(e); and
- Indian tribes or authorized tribal organizations.

However, be advised that pursuant to Rule 27P-22, Florida Administrative Code, all project applications must go through the Local Mitigation Strategy Working Group (LMSWG) of the county where the project will take place. Any application sent to the Division without a signed endorsement letter, from either the Chair or Vice-Chair of an LMSWG, will be denied.

Eligible Activities: Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed are not eligible for funding. Eligible projects include, but are not limited to, the following:

- Acquisition or relocation of hazard-prone structures;
- Retrofitting of existing buildings and facilities that will result in increased protection from hazards;
- Elevation of flood-prone structures;
- Infrastructure protection measures;
- Stormwater management improvements;
- Minor structure flood control;
- Flood diversion and storage;
- Aquifer storage and recovery;
- Floodplain and stream restoration;
- Residential and community safe room construction; and/or
- Generators for a critical facility, provided they are cost-effective, contribute to a long-term solution to the problem that they are intended to address, and meet other project eligibility criteria as required by 44 CFR §206.434(c); or generators that are an integral part of a larger eligible project.

Ineligible Activities: The state will not consider funding requests for the following:

- Construction of new facilities (Nevertheless, the cost associated with above-code upgrades to new facilities may be considered);
- Equipment such as emergency pumps, vehicles, and communication devices;
- Stand-alone studies, design, and planning-related activities;
- Tree removal, debris removal, and other forms of maintenance; or
- Projects already in progress (Construction may not begin until the contract between the State and subrecipient is executed and the project has met requirements of the National Environmental Policy Act).

Eligibility Criteria: All projects submitted must meet minimum criteria to be considered for funding. An eligible project must:

- Conform to the requirements stated in this Notice of Funding Availability;
- Conform to the Florida State Hazard Mitigation Plan and the respective community’s LMS;
- Conform to the funding priorities for the disaster, as established in the appropriate LMS;
- Demonstrate cost-effectiveness;

Be technically feasible;
 Benefit the designated disaster area;
 Conform to all applicable environmental laws and regulations, as well as Executive Orders;
 Solve a problem independently or constitute a functional part of a solution;
 Benefit a National Flood Insurance Program (NFIP) participating community that is not on probation or suspended from the NFIP; and
 Meet all applicable State and local codes and standards.

State Priorities

The Division identifies the following items as a priority for both HMGP funds for this disaster (DR4486) and for local mitigation efforts. Per the Rule 27P-22, Florida Administrative Code, addressing, or not addressing, these priorities through your county's Local Mitigation Strategy Working Group (LMSWG) efforts and project submissions will not affect an application's funding priority beyond your LMSWG's endorsement. However, addressing them will better help the state meet broader flood mitigation needs and retain HMGP funds by leveraging existing county efforts. The State priorities are as follows.

- Prioritize flood mitigation strategies including, but not limited to,
 - o Non-localized flood risk reduction projects (i.e., seawalls/floodwalls; groins; levees; dikes; breakwaters; etc...)
 - o Localized flood risk reduction projects (i.e., installation or modification of culverts and other stormwater management facilities; construction or modification of retention and detention basins, floodwalls, dams, and weirs; etc...)
 - o Property acquisition and structure demolition/relocation
 - o Structure elevation
 - o Mitigation reconstruction
- Establish coordination between LMSWGs to address common mitigation issues affecting neighboring counties and/or counties within a region. This effort can include,
 - o Identifying shared hazards with neighboring counties and possible solutions for collaboration,
 - o Including those shared mitigation activities on your Local Mitigation Strategy's prioritized project list,
 - o Including neighboring/regional counties in your LMSWG meetings when appropriate, and/or
 - o Pooling of available HMGP allocations to meet the funding needs of larger shared mitigation activities

Cost-Share Requirements

Under the HMGP, FEMA will contribute up to 75-percent of the total amount approved under the grant award to implement eligible, cost-effective mitigation measures. The applicant must provide the remaining 25-percent non-federal share. Contributions, cash, and in-kind services are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 2 CFR §200.306. In-kind contributions must be directly related to the eligible project cost and are those personnel, materials, equipment and supplies owned, controlled, and operated by the applicant or a third-party contributor.

Applicants may use the Global Match concept as part of the 25-percent non-federal share. Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to a similar type of project(s). These similar, non-federally funded projects must meet all of the HMGP eligibility requirements. This means that if Global Match is approved, the applicant may receive up to 100 percent federal share.

Pre-Award Costs

Prior to receiving a grant award, pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting, and other "soft" costs associated with a construction project. Construction activities are not considered pre-award costs. Pre-award costs must be requested in writing. Guidelines for pre-award costs are included in Attachment A.

Procurement

Any procurement of property or services under a federal award must conform to 2 CFR §200 Subpart D (§§ 200.317 - 200.326). This also includes any activities performed as a part of the pre-award request.

Sub-Recipient Management Costs

Per FEMA Hazard Mitigation Grant Program Interim Policy 104-11-1, HMGP projects awarded under disasters, on or after the effective date, are eligible for sub-recipient management costs (SRMC) up to a hard cap of 5 percent of their eligible and actual project costs. SRMC is a separate pool of funding and will not be calculated as part of the benefit-cost analysis (BCA). SRMC will be reimbursed at a 100 percent federal cost share following the submission of compliant source documentation in conformance with 2 CFR 200 Subpart E. Additional information on SRMC can be found in the attached application (Attachment F) and the HMGP SRMC Request Form

(Attachment G). Any applicant requesting SRMC will need to submit Attachment G along with their application.

County Funding Allocation

The HMGP funding made available for the COVID-19 pandemic poses a challenge with the allocation methodology with Rule 27P-22.006(1), Florida Administrative Code, given the unique circumstances of the disaster itself. This establishes that the amount of HMGP funding available to counties included in the relevant disaster declaration is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) programs as of 120 days after the disaster declaration as reported by FEMA.

For DR-4486, only PA was utilized and there were not any PA projects obligated within 120 days of the date of declaration (March 25, 2020). The intent of the allocation methodology in the administrative rule is to ensure HMGP funds are distributed equitably, but with no federal assistance on record at 120 days the normal allocation process cannot be completed as written and therefore must be replaced with a methodology of equal measure and intent.

As a result, the Division will implement the allocation process outlined below, which will apply to just this current disaster (DR-4486) and its unique circumstance. All 67 counties in Florida are considered in the relevant disaster declaration for the COVID-19 pandemic and will be considered eligible to apply for tier 1 and 2 funding, as outlined below. There will not be a tier 3 funding category.

Funding availability for DR-4486 was based on a combination of lump sum and a county’s proportional population. For each county to have an adequate amount of funds to work with, each county was first allocated \$100,000.00. The remaining funds were then divided up using a county’s population as a proportion of the total state population. This proportion was then applied to the remaining funds and the resultant amount then added to the initial lump sum for their final allocation amount. To be consistent with the PA reporting process, the 2010 census population data was used for the population calculation. These figures are shown in Attachment B and represent the lock-in amount of HMGP funds currently available. HMGP funding is available only to those counties that have a current FEMA-approved LMS. Project applications will be considered only if:

(1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and,

(2) If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in Attachment C.

The Division will attempt to fund each submitted project in priority order until the county’s allocation has been exhausted. In accordance with the Rule 27P-22.006(1)(a-b) and (2), Florida Administrative Code, the Division uses the following tiered allocation system up until the State application deadline with FEMA:

Tier 1 Eligible projects submitted by each county included in the relevant Presidential Disaster Declaration will be funded in order of priority as outlined in the LMS Working Group endorsement letter until the allocated funds are exhausted or all eligible projects are funded.

Tier 2 Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant Presidential Disaster Declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in Attachment D.

Tier 3 There is no tier 3 for this disaster.

Please see Attachment D for a detailed explanation of funding tiers.

Funding Availability and Notification

Typically, FEMA provides funding estimates up to 12-months from the date of declaration, at which time a final lock-in number is provided. This disaster declaration will not have this same schedule, and instead FEMA provided a final lock-in amount in their announcement of DR-4486, which is reflected in Attachment B for regular funds.

Technical Assistance

Due to the large impact of the COVID-19 pandemic across the state, the Division is in the process of scheduling HMGP application development workshop webinars, as opposed to the standard in-person workshops. The webinars will focus on a handful of counties at a time so that project-specific concerns can still be addressed by state staff. The Division is in the

process of scheduling these webinars and will be in touch with each county in the next few weeks to finalize dates and times.

Please check the Division’s website www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program for additional technical guidance. The Division will provide technical assistance throughout the application process. This includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

- Program Eligibility: (850)815-4537 or (850)815-4503
- Environmental: (850)815-4514
- Engineering and Technical Feasibility: (850)254-4573

For additional information and technical assistance, please refer to FEMA’s Hazard Mitigation Assistance Guidance document available at <https://www.fema.gov/media-library/assets/documents/103279>.

To assist you in submitting qualified project applications, the following attachments are located on the Division website <https://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program>:

- Attachment A: Pre-award Cost Guidance and Form
- Attachment B: Lock-in Amount of Available HMGP Funding
- Attachment C: Sample LMS Project Submission Letter
- Attachment D: Florida Administrative Code 27P-22
- Attachment E: Data Collection Worksheet Notice
- Attachment F: HMGP Application
- Attachment G: HMGP SRMC Request Form
- Attachment H: FDEM Portal Access Request and Guidance

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management
 Division of Emergency Management

To: Local Government, State and Regional Agencies, Indian Tribal Governments, Local Mitigation Strategy Working Groups, and Applications for COVID-19 Pandemic (DR-4486)

From: Kevin Guthrie, State Coordinating Officer

Subject: Hazard Mitigation Grant Program Notice of Funding Availability

Date: September 23, 2021

Program Summary

The Florida Division of Emergency Management (Division) is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declaration for the COVID-19 Pandemic (FEMA-4486-DR-FL).

HMGP funding is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act. This funding helps communities implement measures to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division encourages all potential applicants to submit applications for projects that address eligible mitigation activities.

Given the unique nature of this disaster declaration, the amount of HMGP funding available to the State is calculated. Additional information can be found in this notice under “County Funding Allocation,” below.

Current Changes

The Division is migrating its processes to a fully digital platform through its FDEM Portal. This includes the HMGP and will encompass everything from the application process to closeout. This migration will ultimately reduce the waste inherent in dealing with physical media, as well as streamline our grants management processes to be more efficient. Applications are currently being accepted through the FDEM Portal and doing so does not require an additional hardcopy submission. Hardcopy applications are permitted pursuant to the Rule 27P-22, Florida Administrative Code; however, the Division highly encourages all applications to solely be uploaded through the FDEM Portal. If an applicant chooses to submit a hardcopy of their application, a digital submission through the FDEM Portal will still be required.

Application Timeline

The application period will close December 21, 2021. The Division encourages potential applicants to submit complete applications before the close of the application period. Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice.

FDEM Portal Submission: If you have not already registered for access to the FDEM Portal, please see the instructions in Attachment H to do so. The information required for submitting a complete application through the FDEM Portal is the same as the State of Florida HMGP Application (Attachment F), which can be used as reference to collect all the information necessary for your project prior to submittal. If an application is submitted through the FDEM Portal, no hardcopies will be required.

A complete digital submission of your applications, and all necessary supporting documentation, must be uploaded to the FDEM Portal no later than December 21, 2021 11:59 p.m. (EST)

It is imperative that your access request for the FDEM Portal is received by the Division no later than 5:00 p.m. EST on December 21, 2021 in order to meet the application deadline.

Hardcopy Filing: If a hardcopy is filed, please provide just one original of the State of Florida HMGP Application and all appropriate attachments. In addition, submit your project(s) and all relevant documentation to the FDEM Portal using the directions detailed above and in Attachment H.

Any hardcopy applications sent by mail or other carrier to the Division must be postmarked on or before December 21, 2021. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. EST on December 21, 2021.

The HMGP application and all other pertinent resources for completing the application may be obtained at the Division’s website located at <https://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program/> in the section HMGP Application and Resources.

Questions regarding the FDEM Portal system may be directed to:
 Jared Jaworski, (850)544-8372,
 Jared.jaworski@em.myflorida.com

Any completed hardcopy applications must be sent to the following address:

ATTN: Kathleen Marshall, Hazard Mitigation Grant Program, Florida Division of Emergency Management, Mitigation Bureau, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Minimum Program Eligibility

Eligible Applicants: According to the Code of Federal Regulations (CFR) 44 §206.434(a), the following parties are eligible to apply for Hazard Mitigation Grant Program funds:

- State and local governments who have an approved Local Mitigation Strategy (LMS) in accordance with 44 CFR §201.6, prior to receipt of HMGP subgrant funding for projects;
- Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in §206.221(e); and
- Indian tribes or authorized tribal organizations.

However, be advised that pursuant to Rule 27P-22, Florida Administrative Code, all project applications must go through the Local Mitigation Strategy Working Group (LMSWG) of the county where the project will take place. Any application sent to the Division without a signed endorsement letter, from either the Chair or Vice-Chair of an LMSWG, will be denied.

Eligible Activities: Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed are not eligible for funding. Eligible projects include, but are not limited to, the following:

- Acquisition or relocation of hazard-prone structures;
- Retrofitting of existing buildings and facilities that will result in increased protection from hazards;
- Elevation of flood-prone structures;
- Infrastructure protection measures;
- Stormwater management improvements;
- Minor structure flood control;
- Flood diversion and storage;
- Aquifer storage and recovery;
- Floodplain and stream restoration;
- Residential and community safe room construction; and/or
- Generators for a critical facility, provided they are cost-effective, contribute to a long-term solution to the problem that they are intended to address, and meet other project eligibility criteria as required by 44 CFR §206.434(c); or generators that are an integral part of a larger eligible project.

Ineligible Activities: The state will not consider funding requests for the following:

- Construction of new facilities (Nevertheless, the cost associated with above-code upgrades to new facilities may be considered);
- Equipment such as emergency pumps, vehicles, and communication devices;
- Stand-alone studies, design, and planning-related activities;
- Tree removal, debris removal, and other forms of maintenance; or
- Projects already in progress (Construction may not begin until the contract between the State and subrecipient is executed and the project has met requirements of the National Environmental Policy Act).

Eligibility Criteria: All projects submitted must meet minimum criteria to be considered for funding. An eligible project must:

- Conform to the requirements stated in this Notice of Funding Availability;
- Conform to the Florida State Hazard Mitigation Plan and the respective community's LMS;
- Conform to the funding priorities for the disaster, as established in the appropriate LMS;
- Demonstrate cost-effectiveness;
- Be technically feasible;
- Benefit the designated disaster area;
- Conform to all applicable environmental laws and regulations, as well as Executive Orders;
- Solve a problem independently or constitute a functional part of a solution;
- Benefit a National Flood Insurance Program (NFIP) participating community that is not on probation or suspended from the NFIP; and
- Meet all applicable State and local codes and standards.

State Priorities

The Division identifies the following items as a priority for both HMGP funds for this disaster (DR4486) and for local mitigation efforts. Per the Rule 27P-22, Florida Administrative Code, addressing, or not addressing, these priorities through your county's Local Mitigation Strategy Working Group (LMSWG) efforts and project submissions will not affect an application's funding priority beyond your LMSWG's endorsement. However, addressing them will better help the state meet broader flood mitigation needs and retain HMGP funds by

leveraging existing county efforts. The State priorities are as follows.

- Prioritize flood mitigation strategies including, but not limited to,
 - o Non-localized flood risk reduction projects (i.e., seawalls/floodwalls; groins; levees; dikes; breakwaters; etc...)
 - o Localized flood risk reduction projects (i.e., installation or modification of culverts and other stormwater management facilities; construction or modification of retention and detention basins, floodwalls, dams, and weirs; etc...)
 - o Property acquisition and structure demolition/relocation
 - o Structure elevation
 - o Mitigation reconstruction
- Establish coordination between LMSWGs to address common mitigation issues affecting neighboring counties and/or counties within a region. This effort can include,
 - o Identifying shared hazards with neighboring counties and possible solutions for collaboration,
 - o Including those shared mitigation activities on your Local Mitigation Strategy's prioritized project list,
 - o Including neighboring/regional counties in your LMSWG meetings when appropriate, and/or
 - o Pooling of available HMGP allocations to meet the funding needs of larger shared mitigation activities

Cost-Share Requirements

Under the HMGP, FEMA will contribute up to 75-percent of the total amount approved under the grant award to implement eligible, cost-effective mitigation measures. The applicant must provide the remaining 25-percent non-federal share. Contributions, cash, and in-kind services are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 2 CFR §200.306. In-kind contributions must be directly related to the eligible project cost and are those personnel, materials, equipment and supplies owned, controlled, and operated by the applicant or a third-party contributor.

Applicants may use the Global Match concept as part of the 25-percent non-federal share. Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to a similar type of project(s). These similar, non-federally funded projects must meet all of the HMGP eligibility requirements. This means that if Global Match is approved, the applicant may receive up to 100 percent federal share.

Pre-Award Costs

Prior to receiving a grant award, pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting, and other "soft" costs associated with a construction project. Construction activities are not considered pre-award costs. Pre-award costs must be requested in writing. Guidelines for pre-award costs are included in Attachment A.

Procurement

Any procurement of property or services under a federal award must conform to 2 CFR §200 Subpart D (§§ 200.317 - 200.326). This also includes any activities performed as a part of the pre-award request.

Sub-Recipient Management Costs

Per FEMA Hazard Mitigation Grant Program Interim Policy 104-11-1, HMGP projects awarded under disasters, on or after the effective date, are eligible for sub-recipient management costs (SRMC) up to a hard cap of 5 percent of their eligible and actual project costs. SRMC is a separate pool of funding and will not be calculated as part of the benefit-cost analysis (BCA). SRMC will be reimbursed at a 100 percent federal cost share following the submission of compliant source documentation in conformance with 2 CFR 200 Subpart E. Additional information on SRMC can be found in the attached application (Attachment F) and the HMGP SRMC Request Form (Attachment G). Any applicant requesting SRMC will need to submit Attachment G along with their application.

County Funding Allocation

The HMGP funding made available for the COVID-19 pandemic poses a challenge with the allocation methodology with Rule 27P-22.006(1), Florida Administrative Code, given the unique circumstances of the disaster itself. This establishes that the amount of HMGP funding available to counties included in the relevant disaster declaration is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) programs as of 120 days after the disaster declaration as reported by FEMA.

For DR-4486, only PA was utilized and there were not any PA projects obligated within 120 days of the date of declaration (March 25, 2020). The intent of the allocation methodology in the administrative rule is to ensure HMGP funds are distributed equitably, but with no federal assistance on record at 120 days

the normal allocation process cannot be completed as written and therefore must be replaced with a methodology of equal measure and intent.

As a result, the Division will implement the allocation process outlined below, which will apply to just this current disaster (DR-4486) and its unique circumstance. All 67 counties in Florida are considered in the relevant disaster declaration for the COVID-19 pandemic and will be considered eligible to apply for tier 1 and 2 funding, as outlined below. There will not be a tier 3 funding category.

Funding availability for DR-4486 was based on a combination of lump sum and a county's proportional population. For each county to have an adequate amount of funds to work with, each county was first allocated \$100,000.00. The remaining funds were then divided up using a county's population as a proportion of the total state population. This proportion was then applied to the remaining funds and the resultant amount then added to the initial lump sum for their final allocation amount. To be consistent with the PA reporting process, the 2010 census population data was used for the population calculation. These figures are shown in Attachment B and represent the lock-in amount of HMGP funds currently available. HMGP funding is available only to those counties that have a current FEMA-approved LMS. Project applications will be considered only if:

- (1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and,
- (2) If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in Attachment C.

The Division will attempt to fund each submitted project in priority order until the county's allocation has been exhausted. In accordance with the Rule 27P-22.006(1)(a-b) and (2), Florida Administrative Code, the Division uses the following tiered allocation system up until the State application deadline with FEMA:

Tier 1 Eligible projects submitted by each county included in the relevant Presidential Disaster Declaration will be funded in order of priority as outlined in the LMS Working Group endorsement letter until the allocated funds are exhausted or all eligible projects are funded.

Tier 2 Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those

counties included in the relevant Presidential Disaster Declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in Attachment D.

Tier 3 There is no tier 3 for this disaster.

Please see Attachment D for a detailed explanation of funding tiers.

Funding Availability and Notification

Typically, FEMA provides funding estimates up to 12-months from the date of declaration, at which time a final lock-in number is provided. This disaster declaration will not have this same schedule, and instead FEMA provided a final lock-in amount in their announcement of DR-4486, which is reflected in Attachment B for regular funds.

Technical Assistance

Due to the large impact of the COVID-19 pandemic across the state, the Division is in the process of scheduling HMGP application development workshop webinars, as opposed to the standard in-person workshops. The webinars will focus on a handful of counties at a time so that project-specific concerns can still be addressed by state staff. The Division is in the process of scheduling these webinars and will be in touch with each county in the next few weeks to finalize dates and times.

Please check the Division’s website www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program for additional technical guidance. The Division will provide technical assistance throughout the application process. This includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

- Program Eligibility: (850)815-4537 or (850)815-4503
- Environmental: (850)815-4514
- Engineering and Technical Feasibility: (850)254-4573

For additional information and technical assistance, please refer to FEMA’s Hazard Mitigation Assistance Guidance document available at <https://www.fema.gov/media-library/assets/documents/103279>.

To assist you in submitting qualified project applications, the following attachments are located on the Division website <https://www.floridadisaster.org/dem/mitigation/hazard-mitigation-grant-program>:

- Attachment A: Pre-award Cost Guidance and Form
- Attachment B: Lock-in Amount of Available HMGP Funding
- Attachment C: Sample LMS Project Submission Letter
- Attachment D: Florida Administrative Code 27P-22
- Attachment E: Data Collection Worksheet Notice
- Attachment F: HMGP Application
- Attachment G: HMGP SRMC Request Form
- Attachment H: FDEM Portal Access Request and Guidance

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

EXEMPTION

The Agency for Health Care Administration approved the following exemption on September 21, 2021 pursuant to Section 408.036(3), Florida Statutes:

ID # E210004 District: 11-1 (Miami-Dade County)

Facility/Project: Mercy Center OPCO, LLC

Applicant: Mercy Center OPCO, LLC

Project Description: Addition of 30 community nursing home beds to establish a 150-bed replacement facility

Proposed Project Cost: \$0

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.