

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0021 Florida Teacher Certification Examinations

PURPOSE AND EFFECT: This rule amendment serves to: 1. Adopt new Florida Teacher Certification Examinations (FTCE) competencies and skills, effective October 1, 2022, for the following FTCE subject areas: Elementary Education K–6; English 6–12; Exceptional Student Education K–12; English for Speakers of Other Languages K–12; General Knowledge Test; Mathematics 6–12; Middle Grades English 5–9; Middle Grades Mathematics 5–9; Prekindergarten/Primary PK–3; Reading K–12; and 2. Update the name of a subject area examination from Guidance and Counseling to School Counseling PK–12 to align with current certification terminology.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

RULEMAKING AUTHORITY: 1012.55(1), 1012.56, 1012.59, FS.

LAW IMPLEMENTED: 1012.55, 1012.56, 1012.59, FS.

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

DATE AND TIME: February 22, 2021, 10:00 am ET, lasting until the conclusion of business.

PLACE: Conference Call: 1(888)585-9008, Conference Code: 316794769 and Online Meeting Link: <https://attendee.gotowebinar.com/register/3600575538094907920>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Canto, Bureau Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL, 32399, (850)245-0513. To comment on this rule development, please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available at <https://web02.fldoe.org/rules>.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.0011 Definitions

PURPOSE AND EFFECT: The proposed rule amendments are intended to update the language for definitions.

SUBJECT AREA TO BE ADDRESSED: To update the language.

RULEMAKING AUTHORITY: 483.805, 483.823 FS.

LAW IMPLEMENTED: 483.823 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: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-6.002 Documentation for Licensure

PURPOSE AND EFFECT: The proposed rule amendments are intended to update the rule language for documentation for licensure.

SUBJECT AREA TO BE ADDRESSED: To update the rule language.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 381.0034, 483.823 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: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

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

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NOS.: **RULE TITLES:**
 69O-136.080 Acquisition of Controlling Stock
 69O-136.090 Merger, Consolidation, or Acquisition of
 Controlling Stock, Ownership Interests,
 Assets, or Control of a Specialty Insurer
 69O-136.100 Forms Incorporated by Reference
PURPOSE AND EFFECT: Rules 69O-136.080 and 69O-136.090, F.A.C. concern the acquisition of insurers and specialty insurers and incorporates the required forms in Rule 69O-136.100 F.A.C.
SUBJECT AREA TO BE ADDRESSED: Acquisition of insurers and specialty insurers.
RULEMAKING AUTHORITY: 624.308(1), 624.413(1), 628.461(13), 628.4615(15), 628.535 FS.
LAW IMPLEMENTED: 624.307(1), 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 626.9928, 628.451, 628.461, 628.4615, 628.471, 628.801, 634.252, 634.3073, 634.4085, 636.065, 641.255, 641.416, 642.032, 651.024, 651.0245 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: Michael Lawrence, Jr., Chief Legal Counsel, Michael.LawrenceJr@flair.com, (850)413-4112.
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 HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: **RULE TITLE:**
 64B3-4.001 Trainee Registration
PURPOSE AND EFFECT: The proposed rule amendments are intended to substantially change the application.
SUMMARY: To update the application.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:
 The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within

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

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

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

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

LAW IMPLEMENTED: 456.013, 456.0635, 483.809(3), 483.811(2), (3), (4), 483.815 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: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-4.001 Trainee Registration.

(1) No change.

(2) An applicant for trainee registration shall apply to the Department Form #DH-MQA 3005 (10/20 06/47) “Clinical Laboratory Personnel Trainee Application,” which is incorporated by reference herein copies of which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-08609>, or the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from the web <http://http://floridasclinicallabs.gov/applications/app-trainee-clp.pdf>.

(3) through (7) No Change.

Rulemaking Authority 456.013, 483.805(4), 483.815 FS. Law Implemented 456.013, 456.0635, 483.809(3), 483.811(2), (3), (4), 483.815, 483.825 FS. History—New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, 2-15-01, 3-24-02, 3-30-04, 6-17-09, 5-11-10, 7-20-10, 1-30-12, 12-24-12, 11-25-14, 9-17-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 16, 2020

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.008 RULE TITLE: Public Health Laboratory Personnel
PURPOSE AND EFFECT: The proposed rule amendments are intended to substantially change the application.
SUMMARY: To update the application.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

LAW IMPLEMENTED: 456.013, 456.0635, 483.812, 483.815 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: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.008 Public Health Laboratory Personnel.

(1) through (3) No change.

(4) All applicants for licensure as a Public Health Laboratory Scientist shall apply to the Department on Form #DH-MQA 3001 (10/2020 06/47) "~~Application for~~ Public Health Laboratory Scientist Application," which is incorporated by reference herein, copies of which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-08610>, or the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://floridasclinicallabs.gov/applications/app-public-health-lab-clp.pdf>.

Rulemaking Authority 456.013, 483.805(4), 483.815 FS. Law Implemented 456.013, 456.0635, 483.812, 483.815 FS. History—New 5-26-98, Amended 4-20-04, 6-17-09, 5-6-10, 7-20-10, 3-24-13, 9-17-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2020

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-6.001 RULE TITLE: Manner of Application
PURPOSE AND EFFECT: The proposed rule amendments are intended to update the language and substantially change the applications.
SUMMARY: To update the language and applications.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of

Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

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

LAW IMPLEMENTED: 381.0034(3), 456.013, 456.022, 456.033, 456.0635, 483.815, 483.823 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: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-6.001 Manner of Application

(1) Application forms:

(a) ~~(1)~~ All applicants for licensure as a Clinical Laboratory Personnel Director shall apply to the Department on Form #DH-MQA 3008 (10/2020 03/18), "~~Application for Clinical Laboratory Personnel Initial & Upgrade Licensure - Director,~~" <http://www.flrules.org/Gateway/reference.asp?No=Ref-09665>, which is incorporated by reference herein.

(b) All applicants for licensure as a Clinical Laboratory Personnel Supervisor shall apply to the Department on Form #DH-MQA 3009 (10/2020 03/18), "~~Application for Clinical Laboratory Personnel Initial & Upgrade Licensure - Supervisor,~~" <http://www.flrules.org/Gateway/reference.asp?No=Ref-09666>, which is incorporated by reference herein.

(c) All applicants for licensure as a Clinical Laboratory Personnel Technologist shall apply to the Department on Form #DH-MQA 3011 (10/2020 03/18), "~~Application for Clinical Laboratory Initial & Upgrade Licensure - Personnel Technologist,~~" <http://www.flrules.org/Gateway/reference.asp?No=Ref-09667>, which is incorporated by reference herein.

(d) All applicants for licensure as a Clinical Laboratory Personnel Technician shall apply to the Department on Form #DH-MQA 3010 (10/2020 03/18), "~~Application for Clinical Laboratory Initial Licensure - Personnel Technician,~~" <http://www.flrules.org/Gateway/reference.asp?No=Ref-09668>, which is incorporated by reference herein.

(e) Any licensee requesting to add a specialty to his or her current license shall apply to the Department on Form #DH-MQA 3012 (10/2020 03/18), "~~Application for Clinical Laboratory Licensure - Personnel Adding Specialty,~~" <http://www.flrules.org/Gateway/reference.asp?No=Ref-09669>, which is incorporated by reference herein.

(2) Copies of all application forms can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from the web at <http://www.floridasclinicallabs.gov/licensing>. The application must be accompanied by the appropriate application fee required by rules 64B3-9.001 and 64B3-9.002, F.A.C.

(3) ~~(2)~~ After one year from the date of the original submission of an application, a new application and fee shall be required from any applicant who desires to be considered for licensure.

(4) ~~(3)~~ With regard to persons who have been issued a social security number by the Federal Government, disclosure of a social security number is mandatory pursuant to section 456.013(1)(a), F.S., and social security numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations.

Rulemaking Authority 456.013, 456.0635, 483.805(4) FS. Law Implemented 381.0034(3), 456.013, 456.022, 456.033, 456.0635, 483.815, 483.823 FS. History—New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, 1-5-00, 3-24-02, 4-13-04, 6-17-09, 7-14-10, 6-14-12, 12-24-12, 8-2-15, 9-17-17, 9-4-18, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2020
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 16, 2020

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-10.007
 RULE TITLE: Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language from the rule.

SUMMARY: Unnecessary language will be removed from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.036, 466.004(4), 466.015 FS.

LAW IMPLEMENTED: 456.036, 466.015 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: Jessica Sapp, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or Jessica.Sapp@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-10.007 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the applicable fees set forth in rule chapter 64B5-15, F.A.C., and has complied with the following requirements:

- (1) through (2) No change.
- ~~(3) The Department shall not reactivate the license of any dentist or dental hygienist who has:~~
 - ~~(a) Committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a licensee pursuant to section 466.028, F.S.~~
 - ~~(b) Failed to comply with the financial responsibility requirements of section 456.048, F.S., and rule 64B5-17.011, F.A.C. (dentists only).~~
 - ~~(c) Failed to comply with the provisions of section 456.033, F.S., and rule 64B5-12.019, F.A.C.~~

Rulemaking Authority 456.036, 466.004(4), 466.015 FS. Law Implemented 456.036, 466.015 FS. History—New 7-12-95, Formerly 59Q-10.007, Amended 5-20-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 20, 2021

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-8.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposed the rule amendment to clarify existing disciplinary guidelines.

SUMMARY: To clarify existing disciplinary guidelines.

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), 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 381.986(3)(a), 456.47, 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) 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: Paul Vazquez, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253 or Paul.Vazquez@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. In addition to the 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. In no event for the penalties set forth below shall the fine exceed \$10,000.00 per count.

| RECOMMENDED RANGE OF PENALTY | | | | | |
|---------------------------------------------------------------------------------------------------------|---------------|----------------|---------------|----------------------------|----------------|
| | | | | FOR TELEHEALTH REGISTRANTS | |
| VIOLATION (a) Attempting to obtain, obtaining or renewing a license or certificate by bribery, fraud or | FIRST OFFENSE | SECOND OFFENSE | THIRD OFFENSE | FIRST OFFENSE | SECOND OFFENSE |

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| through an error of the Department or the Board. (Section 458.331(1)(a), F.S.) (Section 456.072(1)(h), F.S.) | | | | | |
| 1. No change. | | | | | |
| 2. Attempting to renew a license by bribery or fraud. | 2. Revocation of the license and payment of a \$5,000.00 fine to revocation and a \$10,000.00 fine. <u>If the offense includes an element of fraud or making</u> | 2. Revocation and a \$10,000.00 fine. | | 2. Revocation | 2. Revocation |

| | | | | | |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--|---------------|---------------|
| | <u>ng a false or fraudulent representation the fine shall be \$10,000.</u> | | | | |
| 3. Obtaining or renewing a license by bribery or fraud. | 3. Revocation of the license and payment of a \$5,000 fine to revocation and a \$10,000 fine. <u>If the offense includes an element of fraud or making a false or fraudulent</u> | 3. Revocation and a \$10,000 fine. | | 3. Revocation | 3. Revocation |

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| | <u>representation the fine shall be 10.000.</u> | | | | |
| 4. No change. | | | | | |
| (b) No change. | | | | | |
| (c) Guilty of crime directly relating to practice or ability to practice. (Section 458.331(1)(c), F.S.) (Section 456.072(1)(c), F.S.) | (c) From probation to revocation or denial of the license, an administrative fine ranging from <u>\$5.00</u> to <u>\$1,000.00</u> | (c) From suspension to revocation or denial of the license, an administrative fine ranging from <u>\$7.50</u> to <u>\$5,000.00</u> | | (c) From a reprimand to revocation or denial. | (c) From suspension to revocation or denial. |
| 1. through 2. No change. | | | | | |
| (d) through (e) No change. | | | | | |

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| <p>(f) Aiding unlicensed practice. (Section 458.331(1)(f), F.S.) (Section 456.072(1)(j), F.S.)</p> | <p>(f) From probation to revocation or denial and an administrative fine from <u>\$5.00</u> <u>0.00</u> \$1.00 0.00 to \$10,000.00.</p> | <p>(f) From suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from <u>\$7.50</u> <u>0.00</u> \$5.00 0.00 to \$10,000.00.</p> | | <p>(f) From suspension with corrective action plan to revocation or denial.</p> | <p>(f) From suspension to revocation or denial.</p> | | <p>from a letter of concern to revocation or denial, and an administrative fine from <u>\$5,000.00</u> \$1,000.00 to \$10,000.00, unless otherwise provided by law.</p> | <p>from a reprimand to revocation or denial, and an administrative fine from <u>\$7,500.00</u> \$5,000.00 to \$10,000.00, unless otherwise provided by law.</p> | | <p>severity of the offense and the potential for patient harm, from a reprimand to revocation or denial, unless otherwise provided by law.</p> | <p>potential for patient harm, from a reprimand to revocation or denial, unless otherwise provided by law.</p> |
| <p>(g) Failure to perform legal obligation. (Section 458.331(1)(g), F.S.) (Section 456.072(1)(k), F.S.)</p> | <p>(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm,</p> | <p>(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm,</p> | | <p>(g) For any offense not specifically listed herein, based upon the severity of the</p> | <p>(g) For any offense not specifically listed herein, based upon the severity of the</p> | <p>1. through 9. No change.</p> | | | | | |
| | | | | | | <p>(h) No change.</p> | <p>(i) Kickbacks or split fee arrangements. (Section</p> | <p>(i) A refund of fees paid by or on behalf of the patient, and</p> | <p>(i) A refund of fees paid by or</p> | <p>(i) A refund of fees paid by or</p> | <p>(i) A refund of fees paid by or on behalf of the patient</p> |

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| <p>458.33 1(1)(i), F.S.); (Section 456.05 4, F.S.)</p> | <p>from six (6) months suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from <u>\$5,000.00</u> \$1,000.00 to \$10,000.00.</p> | <p>the patient, and from a two (2) year suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from <u>\$7,500.00</u> \$5,000.00 to \$10,000.00</p> | | <p>on behalf of the patient, and from six (6) months suspension with a corrective action plan, to revocation or denial.</p> | <p>t, and from a two (2) year suspension with a corrective action plan, to revocation.</p> | <p>medicine. (Section 458.33 1(1)(k), F.S.); (Sections 456.07 2 (1)(a), (m), F.S.)</p> | <p><u>\$5,000.00</u> \$1,000.00 to \$10,000.00. <u>If the offense includes an element of fraud or making a fraudulent representation the fine shall be \$10,000.00.</u></p> | <p>to revocation or denial, and an administrative fine from <u>\$7,500.00</u> \$5,000.00 to \$10,000.00. <u>If the offense includes an element of fraud or making a fraudulent representation the fine shall be \$10,000.00.</u></p> | <p>al.</p> | |
| <p>(j) No change.</p> | | | | | | | | | | |
| <p>(k) Deceptive, untrue, or fraudulent representations in the practice of</p> | <p>(k) From probation to revocation or denial, and an administrative fine from</p> | <p>(k) From suspension, to be followed by a period of probation,</p> | | <p>(k) From a reprimand to revocation or denial</p> | <p>(k) From suspension with a corrective action plan, to revocation.</p> | <p>(l) Improper solicitation of</p> | <p>(l) From one (1) year</p> | <p>(l) From one (1) year</p> | <p>(l) From one (1)</p> | <p>(l) From suspension with a</p> |

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| <p>patient s. (Section 458.331(1)(1), F.S.)</p> | <p>suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from <u>\$5.00</u> <u>0.00</u> \$1.00 to \$10,000.00</p> | <p>suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from <u>\$7.50</u> <u>0.00</u> 5.00 to \$10,000.00</p> | | <p>year suspension with a corrective action plan, to revocation.</p> | <p>corrective action plan, to revocation.</p> | | <p>administrative fine from \$1,000.00 to <u>\$5.00</u> <u>0.00</u> \$10,000.00</p> | <p>from \$5,000.00 to \$10,000.00</p> | | <p>on plan or denial.</p> | |
| <p>(m) Failure to keep appropriate written medical records. (Section 458.331(1)(m), F.S.; 456.47(3), F.S.)</p> | <p>(m) From a reprimand to denial or two (2) years suspension followed by probation, and an administrative fine</p> | <p>(m) From probation to suspension followed by probation or denial, and an administrative fine</p> | | <p>(m) From a reprimand to two (2) year suspension with a corrective action plan.</p> | <p>(m) From six (6) month suspension with a corrective action plan to (2) years suspension with a corrective action plan.</p> | <p>(n) through (o) No change.</p> | | | | | |
| | | | | | | <p>(p) Performing professional services not authorized by patient. (Section 458.331(1)(p), F.S.)</p> | <p>(p) From a reprimand to two (2) years suspension, to be followed by a period of probation or denial and an administrative fine from <u>\$5.00</u> <u>0.00</u> \$1.00 <u>0.00</u> to</p> | <p>(p) From probation, to revocation and an administrative fine of <u>\$7.50</u> <u>0.00</u> \$5.00 <u>0.00</u> to \$10,000.00</p> | | <p>(p) From a reprimand or denial to two (2) years suspension with a corrective action plan or denial.</p> | <p>(p) From suspension with a corrective action plan to revocation or denial.</p> |

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| | \$10,000.00 | | | | | iate level of care, skill and treatment recognized in general law related to the practice of medicine. (Sections 456.50(1)(g), F.S., 458.331(1)(t), F.S.; 456.47(2)(a), F.S.) | denial and an administrative fine from <u>\$2,500.00</u> to \$10,000.00 | denial and an administrative fine from \$5,000.00 to \$10,000.00 | | with corrective action plan to revocation or denial | plan to revocation. |
| (q) Inappropriate or excessive prescribing. (Section 458.331(1)(q), F.S.) | (q) From one (1) year probation to revocation or denial and an administrative fine from <u>\$5,000.00</u> to <u>\$1,000.00</u> to \$10,000.00 | (q) From suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from <u>\$7,500.00</u> to <u>\$5,000.00</u> to \$10,000.00 | | (q) From a three (3) month suspension with a corrective action plan, to revocation or denial. | (q) From one (1) year suspension with a corrective action plan, to revocation or denial. | 1. Gross Malpractice. | 1. From one (1) year suspension followed by three (3) years probation to revocation or denial and an administrative fine | 1. From suspension, to be followed by a period of probation or denial to revocation and an administrative fine | | 1. From one (1) year suspension with a corrective action plan, to revocation or denial | 1. From two (2) year suspension with a corrective action plan to revocation. |
| (r) through (s) No change. | | | | | | | | | | | |
| (t) Failure to practice medicine in accordance with appropriate | (t) From one (1) year probation to revocation or | (t) From two (2) years probation to revocation or | | (t) From three (3) month suspension with corrective action | (t) From six (6) month suspension with corrective action | | | | | | |

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| <p>board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the department. (Sections 458.33 1(1)(x), F.S.); (Sections 456.07 2(1) (b), (q), F.S.)</p> | <p>specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand, to revocation or denial and an administrative fine from <u>\$7.50</u> <u>0.00</u> \$5.00 0.00 to \$10,000.00 .</p> | | | <p>not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand, to revocation or denial.</p> | <p>tion, or denial.</p> |
| <p>2. No change.</p> | | | | | |
| <p>(y) No change.</p> | | | | | |
| <p>(z)</p> | <p>(z)</p> | <p>(z)</p> | | <p>(z)</p> | <p>(z)</p> |

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| <p>Aiding an unlawful abortion. (Section 458.33 1(1)(z), F.S.)</p> | <p>From one (1) year suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from <u>\$5.00</u> <u>0.00</u> \$1.00 0.00 to \$10,000.00 .</p> | <p>From eighteen (18) months suspension, to be followed by a period of probation; to revocation or denial and an administrative fine from <u>\$7.50</u> <u>0.00</u> \$5.00 0.00 to \$10,000.00 .</p> | | <p>From one (1) year suspension with a corrective action plan, to revocation or denial.</p> | <p>From eighteen (18) month suspension with a corrective action plan, to revocation or denial.</p> |
| <p>(aa) through (bb) No change.</p> | | | | | |
| <p>(cc) Improper prescribing of Schedule II amphetamine</p> | <p>(cc) From probation, to denial or two (2)</p> | <p>(cc) From suspension, to be followed by a period</p> | | <p>(cc) From a suspension with a corr</p> | <p>(cc) From thirty (30) day suspension with a correc</p> |

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| <p>or sympathomimetic amine drug. (Section 458.331(1)(cc), F.S.</p> | <p>years suspension followed by probation or <u>denial</u>, and an administrative fine from <u>\$5.00</u> <u>0.00</u> <u>\$1.00</u> <u>0.00</u> to \$10,000.00.</p> | <p>d of probation, to revocation or denial of the license and an administrative fine ranging from <u>\$7.50</u> <u>0.00</u> <u>\$5.00</u> <u>0.00</u> to \$10,000.00.</p> | | <p>corrective action plan to two (2) year suspension with a corrective action plan or denial.</p> | <p>tive action plan, to revocation or denial.</p> | | <p>or denial and an administrative fine from <u>\$5.00</u> <u>0.00</u> <u>\$1.00</u> <u>0.00</u> to \$10,000.00.</p> | <p>ation or denial of the license and an administrative fine ranging from <u>\$7.50</u> <u>0.00</u> <u>\$5.00</u> <u>0.00</u> to \$10,000.00.</p> | | <p>cation or denial.</p> | |
| <p>(dd) through (ee) No change.</p> | | | | | | <p>(gg) Misrepresenting or concealing a material fact. (Section 458.331(1)(gg), F.S.)</p> | <p>(gg) From suspension, to be followed by a period of probation, to revocation of license or denial and an administrative fine from <u>\$5.00</u> <u>0.00</u></p> | <p>(gg) From a minimum of thirty (30) day suspension, to be followed by a period of probation, to revocation and an administrative</p> | | <p>(gg) From suspension with a corrective action plan or revocation to denial.</p> | <p>(gg) From a minimum of thirty (30) day suspension with a corrective action plan or revocation or denial.</p> |
| <p>(ff) Use of amylalinalin (laetrile). (Section 458.331(1)(ff), F.S.)</p> | <p>(ff) From one (1) year suspension, to be followed by a period of probation, to revocation</p> | <p>(ff) From eighteen (18) month suspension, to be followed by a period of probation, to revoc</p> | | <p>(ff) From one (1) year suspension with a corrective action plan to revo</p> | <p>(ff) From eighteen (18) month suspension with a corrective action plan to revoca</p> | | | | | | |

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| | \$ 1.00 0.00 to \$10,0 00.00 . If the offen se inclu des an elem ent of fraud or maki ng a false or fraud ulent repre sentat ion the fine shall be \$10,0 00.00 : | fine from <u>\$7.50</u> <u>0.00</u> \$5,00 0.00 to \$10,0 00.00 . If the offen se inclu des an elem ent of fraud or maki ng a false or fraud ulent repre sentat ion the fine shall be \$10,0 00.00 : | | | | rights and how to file a patient compla int. (Sectio n 458.33 1(1)(m m), F.S.); (Sectio n 456.07 2(1)(u), F.S.) | r of conce rn to repre mand and corre ctive actio n for <u>willf ul</u> willf ul violat ions and an admi nistra tive fine from \$100. 00 to \$200. 00. | illful violat ions; and an admi nistra tive fine from \$250. 00 to \$500. 00 for willfu l violat ions. | | n (7) day susp ensi on with corr ecti ve acti on plan . | with correc tive action plan. |
| (hh) through h (ll) No change. | | | | | (nn) 1. Violati ng any provisi on of chapter s 458, 456, F.S., or any rules adopte d pursua nt thereto. (Sectio n 458.33 1(1)(nn) , F.S.) | (nn) From a repre mand , to revoc ation or denia l and an admi nistra tive fine from <u>\$2.50</u> <u>0.00</u> \$1,00 0.00 to \$10,0 00.00 | (nn) From proba tion, to revoc ation or denial and an admi nistra tive fine from \$5,00 0.00 to \$10,0 00.00 . | | (nn) Fro m a repr ima nd to revo cati on or deni al. | (nn) From suspe nsion with a correc tive action plan to revoca tion or denial. | |
| (mm) Failing to provide patient s with inform ation about patient | (mm) Corre ctive actio n for nonw illful violat ions. Lette | (mm) Admi nistra tive fine of up to \$100. 00 for nonw | | (m m) Fro m a lette r of con cern to seve | (mm) From a reprim and to a ten (10) day suspe nsion | | | | | | |

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| (ww) through h (ccc) No change. | | | | | |
| (ddd) Registr ation of pain clinic by a designa ted physici an throug h misrepr esentati on or fraud. (Sectio n 458.33 1(1)(pp)1., F.S.) | | | | | |
| 1. For register ing a pain clinic throug h misrepr esentati on. (Sectio n 458.33 1(1)(pp)1., F.S.) | 1. From a letter of conce rn to proba tion, and a fine of <u>\$10.0</u> <u>00.00</u> \$1,00 <u>0.00</u> to \$5,00 <u>0.00</u> . | 1. From a perio d of proba tion, to revoc ation, and a fine of <u>\$10.0</u> <u>00.00</u> . \$5,00 <u>0.00</u> to \$10,0 <u>00.00</u> . | | Not appl icab le to tele heal th regi stra nts. | Not applic able to telehe alth registr ants. |
| 2. No change. | | | | | |

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| (eee) throug h (fff) No change. | | | | | |
| (ggg) Being convict ed of or found guilty of, regardl ess of adjudic ation to, a felony or any other crime involvi ng moral turpitu de, fraud, dishon esty, or deceit in any jurisdic tion of the courts of this state, or any other state, or of the United States. (Sectio n 458.33 1(1)(pp)4., F.S.) | (ggg) From proba tion to revoc ation, and an admi nistra tive fine rangi ng from \$1,00 0.00 to \$10,0 00.00 | (ggg) From suspe nsion to revoc ation, and an admi nistra tive fine rangi ng from \$5,00 0.00 to \$10,0 00.00 | | Not appl icab le to tele heal th regi stra nts. | Not applic able to telehe alth registr ants. |
| | <u>. If</u> <u>the</u> <u>offen</u> <u>se</u> <u>inclu</u> <u>des</u> <u>an</u> <u>elem</u> <u>ent of</u> <u>fraud</u> <u>or</u> <u>maki</u> <u>ng a</u> <u>false</u> <u>or</u> <u>fraud</u> <u>ulent</u> <u>repre</u> <u>sentat</u> <u>ion</u> <u>the</u> <u>fine</u> <u>shall</u> <u>be</u> | <u>. If</u> <u>the</u> <u>offen</u> <u>se</u> <u>inclu</u> <u>des</u> <u>an</u> <u>elem</u> <u>ent of</u> <u>fraud</u> <u>or</u> <u>maki</u> <u>ng a</u> <u>false</u> <u>or</u> <u>fraud</u> <u>ulent</u> <u>repre</u> <u>sentati</u> <u>on</u> <u>the</u> <u>fine</u> <u>shall</u> <u>be</u> | | | |

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| | <u>\$10,000.00</u> | <u>\$10,000.00</u> | | | | | | | | | |
| (hhh) No change. | | | | | | | | | | | |
| (iii) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime which relates to the practice of, or the ability to practice, a licensed health care profession. (Section 458.331(1)(pp)6., F.S.) | (iii) From probation to revocation, and an administrative fine ranging from <u>\$5,000.00</u> to <u>\$10,000.00</u> to <u>\$1,000.00</u> to <u>\$5,000.00</u> . | (iii) From suspension to revocation, and an administrative fine ranging from <u>\$7,500.00</u> to <u>\$5,000.00</u> to <u>\$10,000.00</u> to <u>\$1,000.00</u> . | | Not applicable to telehealth registrants. | Not applicable to telehealth registrants. | any medicinal drug based upon a communication that purports to be a prescription as defined in Section 465.003(14) or 893.02, F.S., if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship. (Section 458.331(1)(pp)8., | reprimand to revocation, and an administrative fine ranging from <u>\$5,000.00</u> to <u>\$10,000.00</u> to <u>\$1,000.00</u> to <u>\$5,000.00</u> . | tion to revocation, and an administrative fine ranging from <u>\$7,500.00</u> to <u>\$5,000.00</u> to <u>\$10,000.00</u> to <u>\$1,000.00</u> . | | le to telehealth registrants. | telehealth registrants. |
| (jjj) No change. | | | | | | | | | | | |
| (kkk) Dispensing | (kkk) From a | (kkk) From proba | | Not applicable | Not applicable to | | | | | | |

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| F.S.) | | | | | |
| (III) through (bbbb) No change. | | | | | |
| <u>(cccc) Providing information indicating that a person has a disability or supporting a person's need for an emotional support animal under s. 760.27, F.S. without personal knowledge of the person's disability or disability-related need for the specific emotional</u> | <u>(cccc)) From a letter of concern to a fine of \$100.00 to a reprimand and a fine of \$1,000.00.</u> | <u>(cccc) From a reprimand and a fine of \$2,500.00 to probation and a fine of \$5,000.00.</u> | | <u>(ccc) From a letter of concern to a reprimand.</u> | <u>(cccc) From a reprimand and suspension with a corrective action plan.</u> |

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| <u>support animal. (Section 456.072(1)(pp))</u> | | | | | |
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(3) through (8) No change.

Rulemaking Authority 456.079, 456.47(7), 458.309, 458.331(5) FS. Law Implemented 381.986(3)(a), 456.47, 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, 8-29-06, 11-22-06, 1-30-07, 2-18-09, 12-22-09, 7-27-10, 6-21-11, 12-27-11, 4-22-12, 5-28-12, 1-1-15, 11-9-16, 4-30-18, 8-15-18, 8-28-18, 12-12-19, 3-2-20, 11-16-20, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules/Legislative Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2020
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: : January 14, 2021

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.018
 RULE TITLE: Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions; Required Documentation for Smokable Medical Marijuana

PURPOSE AND EFFECT: The proposed amendment will clarify the incorporated revised application form in the rule.

SUMMARY: To clarify the Documentation for Smokable Marijuana Form.

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: 381.986 FS.

LAW IMPLEMENTED: 381.986 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: Paul Vazquez, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253 or Paul.Vazquez@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.018 Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions; Required Documentation for Smokable Medical Marijuana.

(1) – (2) No change.

(3) Pursuant to section 381.986(4)(c), F.S., qualified physicians who determine that smoking marijuana is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, are required to submit form DH-MQA-5035 (rev. 11/20 4/19), entitled “Documentation Required Under section 381.986(4)(c), F.S., Supporting the Determination that the Smoking of Medical Marijuana is an Appropriate Route of Administration,” which is hereby incorporated by reference and available from <http://www.flrules.org/Gateway/reference.asp?No=Ref-40820>, or the Board’s website at <https://flboardofmedicine.gov/forms/statutorily-required-documentation-mm.pdf>.

Rulemaking Authority 381.986 FS. Law Implemented 381.986 FS. History—New 4-30-18, Amended 8-4-19,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules/Legislative Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2020
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 20, 2021

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.013
 RULE TITLE: Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions; Required Documentation for Smokable Medical Marijuana

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised application form into the rule.

SUMMARY: The proposed rule amendment incorporates the revised application form into the rule.

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: 381.986 FS.

LAW IMPLEMENTED: 381.986 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256, or by email at Kama.Monroe@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.013 Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions; Required Documentation for Smokable Medical Marijuana.

(1) through (2) No change.

(3) Pursuant to section 381.986(4)(c), F.S., qualified physicians who determine that smoking marijuana is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, are required to submit form DH-MQA-5035 (rev. 11/20 4/19), entitled "Documentation Required Under section 381.986(4)(c), Florida Statutes, Supporting the Determination that the Smoking of Medical Marijuana is an Appropriate Route of Administration," which is hereby incorporated by reference and available

from <http://www.flrules.org/Gateway/reference.asp?No=Ref-40822>, or the Board's website at <https://floridasosteopathicmedicine.gov/forms/statutorily-required-documentation-smm.pdf>.

Rulemaking Authority 381.986 FS. Law Implemented 381.986 FS. History—New 4-30-18, Amended 8-12-19,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 20, 2021

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-19.002 Violations and Penalties

PURPOSE AND EFFECT: The proposed rule amendment will address clarifications to existing disciplinary violations and penalties.

SUMMARY: Clarification of existing disciplinary violations and penalties.

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: 456.47(7), 456.079, 459.015(5), 459.0138 FS.

LAW IMPLEMENTED: 381.986(3)(a), 456.072, 456.079, 456.47, 456.50, 459.015, 459.0138 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kama Monroe, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by email at Kama.Monroe@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly

under each violation description. In addition to 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 \$10,000.00 per count or offense. In no event shall a fine for any of the penalties set forth below exceed \$10,000.00 per count.

| Violation | Minimum | Maximum |
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| (1) Attempting to obtain, obtaining or renewing a license or certificate by bribery, fraud or through an error of the Department or board. (Sections 456.072(1)(h) and 459.015(1)(a), F.S.) | | |
| (a) No change. | | |
| FOR TELEHEALTH REGISTRANTS: | No change. | |
| (b) Attempting to renew a license by bribery or fraud. | | |
| FIRST OFFENSE: | Revocation of the license and a \$5,000.00 fine; <u>if fraud involved, revocation of license and a fine of \$10,000.00.</u> | Revocation of the license and a \$10,000.00 fine. |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (c) Obtaining or renewing a license by bribery or fraud. | | |
| FIRST OFFENSE: | Revocation of the license and a | Revocation of the license |

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| | \$5,000.00 fine; <u>if fraud involved, revocation of license and a fine of \$10,000.00.</u> | and a \$10,000.00 fine. |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (d) No change. | | |
| (2) through (14) No change. | | |
| (15) Deceptive, untrue, or fraudulent misrepresentations in the practice of medicine. (Sections 456.072(1)(a), (m) and 459.015(1)(m), F.S.) | | |
| FIRST OFFENSE: | Probation and a \$1,000.00 fine; <u>if fraud involved, revocation of license and a fine of \$10,000.</u> | Denial of licensure or revocation and \$10,000.00 fine. |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (16) through (17) No change. | | |

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| (18) Fraudulent, alteration or destruction of patient records. (Section 459.015(1)(p), F.S.) | | |
| FIRST OFFENSE: | Probation and \$5,000.00 fine; <u>if fraud involved, probation and a \$10,000.00 fine.</u> | Suspension to be followed by probation and \$7,500.00 fine; <u>if fraud involved, suspension to be followed by probation and a \$10,000.00 fine.</u> |
| SECOND OFFENSE: | Suspension to be followed by probation and \$7,500.00 fine; <u>if fraud involved, probation and a \$10,000.00 fine.</u> | Revocation and \$10,000.00 fine. |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (19) through (26) No change. | | |
| (27) Repeated Malpractice as defined in Section 456.50, F.S. (Section 459.015(1)(x), F.S.) | | |
| FIRST OFFENSE: | Revocation or denial of license and fine of <u>\$5,000.00</u> \$1,000.00. | Revocation or denial of license and fine of \$10,000.00. |
| FOR TELEHEALTH | No change. | |

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| REGISTRANTS FIRST OFFENSE: | | |
| (28) Failure to practice medicine in accordance with appropriate level of care, skill and treatment recognized in general law related to the practice of medicine. (Sections 456.47(2)(a), 456.50(1)(g) and 459.015(1)(x), F.S.) | | |
| FIRST OFFENSE: | Letter of concern, up to one (1) year probation and <u>\$5,000.00</u> \$1,000.00 fine. | Denial or revocation and \$10,000.00 fine. |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (29) through (39) No change. | | |
| (40) Misrepresenting, concealing a material fact during licensing, or disciplinary procedure. (Section 459.015(1)(jj), F.S.) | | |
| FIRST OFFENSE: | Denial or probation and \$5,000.00 fine; <u>if fraud involved, denial or probation and</u> | Denial and a \$7,500 fine or revocation; <u>if fraud involved, denial or</u> |

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| | <u>a \$10,000.00 fine.</u> | <u>revocation, and a \$10,000.00 fine.</u> |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (41) through (58) No change. | | |
| (59) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients, a violation of any provision of chapter 456, or sections 893.055 and 893.0551, F.S., a violation of the applicable practice act, or a violation of any rules adopted under this chapter or the applicable practice act of the prescribing practitioner. (Section 456.072(1)(gg), F.S.) | | |
| FIRST OFFENSE: | One year probation and <u>\$5,000.00</u> \$1,000.00 fine. | Revocation and \$10,000.00 fine or denial of licensure. |
| SECOND OFFENSE: | No change. | |

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| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (60) through (65) No change. | | |
| (66) Registration of pain clinic by a designated physician through misrepresentation or fraud. (Section 459.015(1)(rr)1., F.S.) | | |
| (a) For registering a pain clinic through misrepresentation. | | |
| FIRST OFFENSE: | Letter of concern and a <u>\$10,000.00</u> \$1,000.00 fine. | Probation and a <u>\$10,000.00</u> \$5,000.00 fine. |
| SECOND OFFENSE: | Probation and a <u>\$10,000.00</u> \$5,000.00 fine. | Revocation and a \$10,000.00 fine. |
| FOR TELEHEALTH REGISTRANTS | No change. | |
| (b) No change. | | |
| (67) No change. | | |
| (68) Failing to comply with any requirement of chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C., ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention Control Act; or | | |

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| chapter 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act. (Section 459.015(1)(rr)3., F.S.) | | |
| FIRST OFFENSE: | No change. | |
| SECOND OFFENSE: | No change. | |
| THIRD OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS | Not applicable to telehealth registrants. | plan. |
| (69) Being convicted of or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, or any other state, or of the United States. (Section 459.015(1)(rr)4., F.S.) | | |
| FIRST OFFENSE: | Probation and a \$1,000.00 fine; <u>if fraud involved, probation and a \$10,000.00 fine.</u> | Revocation and a \$10,000.00 fine or denial of licensure. |
| SECOND OFFENSE: | Suspension and a \$5,000.00 fine; <u>if fraud involved, suspension followed by a period of probation and a \$10,000.00 fine.</u> | Revocation and a \$10,000.00 fine or denial of licensure. |
| FOR TELEHEALTH | No change. | |

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| REGISTRANTS | | |
| (70) No change | | |
| (71) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime which relates to the practice of, or the ability to practice, a licensed health care profession. (Section 459.015(1)(rr)6., F.S.) | | |
| FIRST OFFENSE: | Probation and a <u>\$5,000.00</u> \$1,000.00 fine | Revocation and a \$10,000.00 fine or denial of licensure. |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS | No change. | |
| (72) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime which relates to health care fraud. (Section 459.015(1)(rr)7., F.S.) | | |
| (a) No change. | | |
| FIRST OFFENSE: | No change. | |
| (b) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime relating to healthcare fraud in | | |

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| dollar amounts of \$5,000.00 or less. | | |
| FIRST OFFENSE: | Suspension, followed by a period of probation, and a \$10,000.00 fine. | Revocation or denial of licensure, <u>and a fine of \$10,000.00.</u> |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS | No change. | |
| (73) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in section 465.003(14) or 893.02, F.S., if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship. (Section 459.015(1)(rr)8., F.S.) | | |
| FIRST OFFENSE: | Reprimand and a <u>\$5,000.00</u> \$1,000.00 fine. | Revocation and a \$10,000.00 fine or denial of licensure. |
| SECOND OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS | No change. | |
| (74) through (77) | No change. | |
| (78) Providing false or deceptive expert witness testimony related to the practice of | | |

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| medicine. (Section 459.015(1)(qq), F.S.) | | |
| FIRST OFFENSE: | Reprimand and an administrative fine of \$5,000.00; <u>if false representation, a reprimand and a \$10,000.00 fine.</u> | Revocation and an administrative fine of \$10,000.00 or denial of licensure. |
| SECOND OFFENSE: | Suspension and an administrative fine of \$7,500.00; <u>if false representation, suspension and a \$10,000.00 fine.</u> | Revocation and an administrative fine of \$10,000.00 or denial of licensure. |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (79) No change. | | |
| (80) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of section 465.0276, F.S. (Section 459.015(1)(uu), F.S.) | | |
| FIRST OFFENSE: | Probation and an administrative fine of <u>\$5,000.00</u> \$1,000.00 . | Revocation and an administrative fine of \$10,000.00 or denial of licensure. |
| SECOND | No change. | |

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| OFFENSE: | | |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (81) Willfully failing to comply with section <u>627.64194</u> or <u>641.513</u> , F.S. with such frequency as to indicate a general business practice. (Section 459.015(1)(vv), F.S.) | | |
| FIRST OFFENSE: | Letter of concern <u>and an administrative fine of \$1,000.00.</u> | Reprimand and an administrative fine in the amount of \$1,000.00 to <u>of \$5,000.00.</u> |
| SECOND OFFENSE: | Reprimand <u>and an administrative fine of \$5,000.00.</u> | Revocation and an administrative fine in the amount of \$5,000.00 to <u>of \$10,000.00.</u> |
| FOR TELEHEALTH REGISTRANTS FIRST OFFENSE: | No change. | |
| FOR TELEHEALTH REGISTRANTS SECOND OFFENSE: | No change. | |
| (82) through (93) No change. | | |

Rulemaking Authority 456.079, 456.47(7), 459.015(5), 459.0138 FS. Law Implemented 381.986(3)(a), 456.072, 456.079, 456.47, 456.50, 459.015, 459.0138 FS. History—New 9-30-87, Amended 10-28-91, 1-

12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05, 11-14-06, 11-27-06, 5-10-10, 7-27-10, 11-10-11, 3-27-12, 7-3-12, 1-1-15, 11-27-16, 4-30-18, 8-9-18, 11-19-19, 2-12-20, 11-24-20,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 20, 2021

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.020
RULE TITLE: Florida Workers' Compensation Health Care Provider Reimbursement Manual

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the Health Care Provider Reimbursement Manual (HCP RM) and other incorporated materials. The HCP RM contains the updated lists of Maximum Reimbursement Allowances for various medical services, as approved by the Three-Member Panel on December 17, 2020, pursuant to section 440.13(12)(a), Florida Statutes.

SUMMARY: The proposed rule will update the HCP RM and other incorporated materials.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

A summary of the SERC follows:

- The rule is not likely to directly or indirectly have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- The rule is not likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- The rule is likely to directly or indirectly increase regulatory costs, including any transaction costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.

- The number of individuals and entities likely to be required to comply with the rule is approximately 83,868.
- The agency will incur no costs for implementing or enforcing the proposed rule.
- The cost to any other state and local government entities of implementing the proposed rule and the anticipated effect on state and local revenues is anticipated to be none.
- The total estimated transactional costs to the individuals and entities that are required to comply with the rule is minimal.
- Impacts on small businesses, small counties, and small cities are likely minimal and may vary by the size of the entity.

The Agency has determined that the proposed rule is 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: Not applicable (see SERC).

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: 440.13(13)(b), 440.591, FS.

LAW IMPLEMENTED: 440.13(7), (12), (13)(b), 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: March 4, 2021, 9:30 a.m. ET

PLACE: Please join the meeting from your computer, tablet or smartphone, <https://global.gotomeeting.com/join/822492709>.

You can also dial in using your phone. United States (Toll Free): 1(866)899-4679; United States: (571)317-3116, Access Code: 822-492-709.

Join from a video-conferencing room or system. Dial in or type: 67.217.95.2 or inroomlink.goto.com, Meeting ID: 822 492 709, Or dial directly: 822492709@67.217.95.2 or 67.217.95.2##822492709.

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: Theresa Pugh, telephone: (850)413-1721, email: Theresa.Pugh@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlene Miller, Bureau Chief, Division of Workers' Compensation, 200 East Gaines Street, Tallahassee, FL 32399, (850)413-1738, Charlene.Miller@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual (HCP RM), 2020 2016 Edition, to become effective July 1, 2021, 2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07685>, is incorporated adopted by reference as part of this rule. The HCP RM manual contains the Maximum Reimbursement Allowances (MRAs) determined by the Three-Member Panel, pursuant to ~~section~~ subsection 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes, and MRAs maximum reimbursement allowances for services and supplies provided by health care providers. Also, the HCP RM manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers. The policies and procedures in the HCP RM are in addition to the requirements and responsibilities established throughout Rule Chapter 69L-7, F.A.C., Workers' Compensation Medical Reimbursement and Utilization Review.

(2) The CPT[®]-2016 Current Procedural Terminology (CPT[®]), 2020 Professional Edition, Copyright 2019 2015, American Medical Association; the CDT 2020 2016, Dental Procedure Codes, Copyright 2020 2015, American Dental Association; and, in part, for D codes and for injectable J codes, and for other medical services and supply codes, the "2016 HCPCS Level II, Professional 2020 eEdition," American Medical Association, Copyright 2020 2016, Elsevier Inc., are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2016 Edition, incorporated above, the provider must use a code contained in the CPT[®]-2016, CDT 2016 or HCPCS 2016 as specified in this section. The CPT[®] Assistant 2020, American Medical Association, Copyright 2019; 2015, and the 2016 ICD-10-CM 2020: The Complete Official Codebook, American Medical Association, Copyright 2019 2015, Optum360, LLC, are incorporated also adopted by reference as part of this rule. A copy of the American Medical Association these reference materials may be obtained from the American Medical Association's website at <https://commerce.ama-assn.org/store/>. A copy of the CDT CDP reference material may be obtained from the American Dental Medical Association's website at <https://www.ada.org/en/publications/ada-catalog>. <http://www.ada.org/en/publications/ada-catalog>. A copy of the HCPCS Level II reference material may be obtained from the American Medical Association's website at <http://commerce.ama-assn.org/store/>.

(3) The Posting of the preceding copyrighted materials in subsection (2) above and the HCP RM on the Internet would

constitute a violation of ~~the~~ federal copyright law. ~~The preceding copyrighted~~ These materials are available for public inspection and examination, but may not be copied, during normal business hours at: (a) the Florida Department of Financial Services, Division of Workers' Compensation, Bureau of Monitoring and Audit, 1579 Summit Lake Drive, Tallahassee, Florida 32317, or (b) the Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399. In addition, the HCP RM may be obtained via the Department's Division of Workers' Compensation website at <https://www.myfloridacfo.com/Division/wc/>. ~~The preceding non-copyrighted materials may be accessed online via the Department's Division of Workers' Compensation website at <http://www.myfloridacfo.com/Division/wc/>.~~

PROPOSED EFFECTIVE DATE: Upon ratification ratification by the Legislature
 Rulemaking Authority 440.13(13)(b), 440.591 FS. Law Implemented 440.13(7), (12), (13)(b) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07, 2-4-09, 7-1-16, 7-1-17, _____.
 Editorial Note: Ratified by Ch. 2016-203, LOF.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Charlene Miller, Bureau Chief
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jimmy Patronis, Chief Financial Officer
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2021
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 4, 2021

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

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| RULE NOS.: | RULE TITLES: |
| 690-196.001 | Standard Cancellation Notice |
| 690-196.005 | Filing Surety Bond in Lieu of Net Worth |
| 690-196.007 | Annual Reports |
| 690-196.009 | Other Reports and Corrective Action Plans |
| 690-196.015 | Forms Incorporated by Reference |
| 690-196.020 | Premium Financing of Products Not Regulated by the Insurance Code and Related Unfair Trade Practices Prohibited |
| 690-196.021 | Disclosure Requirements for Insurance Coverages Financed With Personal Injury Protection |
| 690-196.023 | Insurance Agent Penalties |
| 690-196.025 | Statement of Account; Receipts |
| 690-196.035 | Required Books and Records |

PURPOSE AND EFFECT: The Office of Insurance Regulation is updating Chapter 690-196.

SUMMARY: Rule 690-196.001, F.A.C. is amended to change grammar and add rulemaking authority. Rule 690-196.005, F.A.C. is amended to update the Office's website information. Rule 690-196.007 is amended to update the annual reports requirements. Rule 690-196.009, F.A.C. is amended to change "certificate of authority" to "license" and add rulemaking authority. Rule 690-196.015 is amended to include all applications for premium finance companies in one rule. Rule 690-196.020, F.A.C. is amended to make references to the Florida Insurance Code consistent. Rule 690-196.021, F.A.C. is amended to incorporate the financing disclosure form. Rule 690-196.035, F.A.C. is amended to create a new subsection. Rule 690-196.023, F.A.C. and Rule 690-196.025, F.A.C. are repealed.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes. 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: 624.308(1), 627.828(2), 627.836(2), 627.8405, 627.848(3) FS.

LAW IMPLEMENTED: 624.124, 624.307(1), 624.321(1)(a), 624.424, 624.80, 624.81, 626.753, 626.794, 626.838, 626.9541, 627.828, 627.829, 627.832, 627.834, 627.836, 627.838, 627.840, 627.8405, 627.841, 627.844, 627.845, 627.848, 627.849, 628.4615 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: Michael Lawrence, Jr., Chief Legal Counsel, Office of Insurance Regulation, E-mail Michael.LawrenceJr@florir.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-196.001 Standard Cancellation Notice.

When a premium finance agreement contains a power of attorney or other authority enabling the premium finance company to cancel any insurance contract or contracts listed in the agreement, all premium finance companies licensed to do business in this state shall effect cancellation of such policies by the use of a form containing the wording and information set forth below and shall be printed on a color paper of a shade of pink, to include all parts of any multi-part form:

STANDARD CANCELLATION NOTICE
PREMIUM FINANCE COMPANY IMPRINT

NOTICE OF CANCELLATION

Insured

Agent

Insurance Company

Policy Number _____

Cancellation Date _____

Account Number _____

Unpaid Premium Balance Due _____

You are hereby notified that the policy described above is cancelled for non-payment of an installment in accordance with the conditions and terms of the premium finance agreement Premium Finance Agreement which incorporates a power of attorney. This cancellation is effective one day after the above captioned date, at the hour indicated in the policy as the effective time.

The Florida Insurance Code, part XV of chapter 627, F.S., recognizes this as a valid notice of cancellation and provides that the gross unearned premium be returned to the premium finance company.

If the policy or any statute requires the insurer to give notice to a mortgagee, governmental agency, or other third party before the policy can be cancelled, the insurer shall give the prescribed notice in behalf of itself or the insured to any governmental agency, mortgagee, or other third party on or before the second business day after the day it receives the notice of cancellation from the premium finance company and shall determine the effective date of cancellation taking into consideration the number of days notice required to complete the cancellation.

IF THE ABOVE-CAPTIONED INSURANCE CONTRACT PROVIDES MOTOR VEHICLE LIABILITY INSURANCE REQUIRED BY THE FINANCIAL RESPONSIBILITY LAW, PROOF OF FINANCIAL RESPONSIBILITY IS REQUIRED TO BE MAINTAINED CONTINUOUSLY FOR A PERIOD OF THREE (3) YEARS, PURSUANT TO CHAPTER 324, F.S., AND THE OPERATION OF A VEHICLE WITHOUT SUCH FINANCIAL

RESPONSIBILITY IS UNLAWFUL.

Rulemaking Authority 624.308(1), 627.848(3) FS. Law Implemented 624.307(1), 627.848 FS. History—New 12-23-65, Repromulgated 12-24-74, Formerly 4-18.01, 4-18.001, Amended 7-27-95, Formerly 4-196.001, _____.

69O-196.005 Filing Surety Bond in Lieu of Net Worth.

(1) A surety bond in the amount of \$35,000.00 may be filed with the Office by premium finance companies in conjunction with a \$10,000 minimum net worth; and all filings shall be submitted electronically to https://www.flor.com/iportal http://www.flor.com/iportal.

(2) No change.

(3) Such surety bond is subject to approval shall be approved by the Office office and shall not be cancelled without a thirty-day written notice to the Office.

Rulemaking Authority 624.308(1), 627.828(2) FS. Law Implemented 624.424, 627.828 FS. History—New 10-20-73, Repromulgated 12-24-74, Formerly 4-18.05, 4-18.005, Amended 8-29-99, Formerly 4-196.005, Amended 7-30-17, _____.

69O-196.007 Annual Reports.

(1) The annual report shall be filed on or before March 1 of each year. The due date is the date by which the report is to be RECEIVED in the Office, NOT THE POSTMARK DATE.

(2) An Annual Report The annual report shall be filed with the Office, on or before March 1 of each year, on Form OIR-A3-107, "Annual Report," effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX. form OIR A3 107 (11/97), Annual Report, which is incorporated by reference in rule 69O-196.015, F.A.C. Each page of the form shall be completed and prepared according to the instructions. An incomplete form shall be returned and considered not filed by the Office. Failure to file a complete annual report by the due date shall subject a licensee to fines as set forth in rule 69O-207.001, F.A.C., and discipline as provided in sections 627.832 and 627.833, F.S. The filings shall be submitted electronically via the Office's system at https://www.flor.com/iportal. All filings shall be submitted electronically to http://www.flor.com/iportal.

Rulemaking Authority 624.308(1), 627.836(2) FS. Law Implemented 624.424, 627.836 FS. History—New 10-20-73, Repromulgated 12-24-74, Formerly 4-18.07, 4-18.007, Amended 7-27-95, 8-29-99, Formerly 4-196.007, Amended 7-30-17, _____.

69O-196.009 Other Reports and Corrective Action Plans.

To aid the Office in determining a licensee's continued eligibility to hold a premium finance license:

(1) No change.

(2) Changes in senior corporate officers, chief executive officer, chief financial officer, or directors (or members of a properly authorized and appointed executive committee thereof); or, if the licensee is not incorporated, changes in

management personnel who have decision or policy-making authority over the premium finance company, shall be reported in writing to the Office within 60 days after the effective date of the change. Such changes will require completion of biographical information in the form required by the Office adopted in rule 69O-196.015, F.A.C., and an independent investigative background report of the person or entity, plus an investigation fee. All filings shall be submitted electronically to <https://www.floir.com/iportal> ~~http://www.floir.com/iportal~~.

(3) through (4) No change.

(5) If the premium finance company fails to submit a corrective action plan within 30 days of the Office’s order or submits a plan which is insufficient to correct the premium finance company’s financial condition, the Office shall order the premium finance company to implement one or more of the corrective actions listed in ~~this~~ subsection (4).

~~(6)(5)~~ If the Office determines that a company is insolvent, the Office shall notify the company of such insolvency. If the company disagrees with the Office’s determination, it shall within 15 calendar days file with the Office all information that proves that the company is not insolvent.

~~(7)(6)~~ If the company fails within the 15-day period provided in subsection (6) ~~(5)~~ to supply information showing to the satisfaction of the Office that the company is not insolvent, the Office shall:

(a) No change.

(b) Suspend or revoke the company’s license ~~certificate of authority~~ if administrative supervision is not viable due to the severity of the company’s condition or the company’s unwillingness to cooperate with the Office in the development and implementation of a corrective plan; or

(c) No change.

Rulemaking Authority 624.308 FS. Law Implemented 624.307(1), 624.424, 624.80, 624.81, 627.828, 627.829, 627.832, 627.834, 627.836, 627.849, 628.4615 FS. History—New 7-27-95, Formerly 4-196.009, Amended 7-30-17,_____.

69O-196.015 Application for and Issuance of License and License Continuance Forms Incorporated by Reference.

Substantial rewording of Rule 69O-196.015, F.A.C. follows. See Florida Administrative Code for present text.

(1) Application for License as a Premium Finance Company

(a) A person applying for a license as a premium finance company shall submit the following:

1. Form OIR-C1-958, “Application for License Premium Finance Company,” effective 12/18, hereby incorporated by reference and available at www.flrules.org/XXXXX;

2. Form OIR-A3-453, “Premium Finance Company Surety Bond,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

3. Form OIR-C1-144, “Service of Process Consent & Agreement,” effective 6/04, hereby incorporated by reference and available at www.flrules.org/XXXXX;

4. Form OIR-C1-454, “Personal Financial Statement,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

5. Form OIR-C1-905, “Instructions for Furnishing Background Investigative Reports,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

6. Form OIR-C1-938, “Fingerprint Payment and Submission Procedures,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

7. Form OIR-C1-957, “Instructions for Statutory Compliance of Forms,” effective 10/05, hereby incorporated by reference and available at www.flrules.org/XXXXX;

8. Form OIR-C1-1423, “Biographical Affidavit,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX; and

9. Form OIR-C1-2221, “Management Information Form,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX; and

(b) The applicant shall submit the forms listed in paragraph (1)(a) electronically at <https://www.floir.com/iportal>.

(2) Annual License Renewal

(a)1. All premium finance company licenses shall expire on October 1.

2. Failure to submit the application for renewal before October 1 shall result in expiration of the license and will require the filing of a new application for licensure.

(b) A licensee seeking to continue operating as a premium finance company shall submit Form OIR-A3-1563, “Application for Renewal of License Premium Finance Company,” effective 7/03, hereby incorporated by reference and available at www.flrules.org/XXXXX, filed electronically at <https://www.floir.com/iportal>.

Rulemaking Authority 624.308(1), 627.828(2) FS. Law Implemented 624.321(1)(a), 624.424, 627.828, 627.829, ~~627.836, 627.845, 628.4615~~ FS. History—New 5-28-90, Formerly 4-18.015, Amended 7-27-95, 8-29-99, Formerly 4-196.015, Amended 7-30-17,_____.

69O-196.020 Premium Financing of Products Not Regulated by the Florida Insurance Code and Related Unfair Trade Practices Prohibited.

(1) through (5) No change.

(6) Section 627.8405(3), F.S., prohibits premium financing of any product not regulated under the Florida Insurance Code including mixed products which contain a part that is not regulated under the Florida Insurance Code.

Rulemaking Authority 624.308(1), 627.8405(3) FS. Law Implemented 624.124, 626.753, 626.794, 626.838, 626.9541, 627.832, 627.8405

FS. History—New 12-27-94, Amended 8-29-99, Formerly 4-196.020, Amended _____.

69O-196.021 Disclosure Requirements for Insurance Coverages Financed With Personal Injury Protection.

(1) No change.

(2) The disclosure shall be on Form OIR-A3-1162, “Insurance Premium Financing Disclosure Form,” effective 3/95, hereby incorporated by reference and available at www.flrules.org/XXXXX. The filings shall be submitted electronically via the Office’s system at https://www.floir.com/iportal. (3/95), “Insurance Premium Financing Disclosure Form,” which is incorporated herein by reference. Forms are available at http://floir.com/iportal. All filings shall be submitted electronically to http://www.floir.com/iportal.

(3) through (4) No change.

Rulemaking Authority 624.308(1), 627.8405 FS. Law Implemented 624.424, 626.9541(1)(a), 627.734, 627.8405 FS. History—New 3-1-95, Amended 8-16-95, Formerly 4-196.021, Amended 7-30-17, _____.

69O-196.023 Insurance Agent Penalties.

Rulemaking Authority 624.308 FS. Law Implemented 624.307(1), 626.621(12), Ch. 627 Part XV FS. History—New 12-27-94, Formerly 4-196.023, Repealed _____.

69O-196.025 Statement of Account; Receipts.

Rulemaking Authority 624.308 FS. Law Implemented 624.307(1), 624.424, 627.845, 626.9541(1)(a) FS. History—New 7-27-95, Formerly 4-196.025, Amended 7-30-17, Repealed _____.

69O-196.035 Required Books and Records.

At a minimum for permanent books and records, each licensed premium finance company shall maintain:

(1) A complete set of accounting records including but not limited to:

(a) through (c) No change.

(d) Accounts payable registers, ; together with supporting documentation evidencing each entry.

(2) A detailed register of premium finance contracts in force. The register shall include:

(a) through (k) No change.

(l) Number of payments; and,

(m) No change.

(3) through (8) No change.

(9) Copies of all contracts with independent contractors or third parties performing services directly or indirectly related to the premium finance business. Each such contract shall be submitted to the Office and shall contain at a minimum the following provisions: ~~All filings shall be submitted electronically to http://www.floir.com/iportal.~~

(a) through (d) No change.

(10) All filings submitted pursuant to subsection (9) shall be submitted electronically to https://www.floir.com/iportal.

~~(11)(10)~~ Records maintained in accordance with this rule shall be kept as originals, photocopies, or electronically stored reproductions.

Rulemaking Authority 624.308 FS. Law Implemented 624.307(1), 624.424, 627.828, 627.834, 627.836, 627.838, 627.840, 627.8405, 627.841, 627.844, 627.845, 627.848, 627.849 FS. History—New 7-27-95, Formerly 4-196.035, Amended 7-30-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Lawrence, Jr., Chief Legal Counsel, Office of Insurance Regulation, E-mail Michael.LawrenceJr@floir.com, (850) 413-4112.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 5, 2020

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NOS.: RULE TITLES:

69O-198.001 Purpose

69O-198.002 Scope

69O-198.010 License Continuance

69O-198.015 Forms Incorporated by Reference

PURPOSE AND EFFECT: The Office of Insurance Regulation is updating Chapter 69O-198.

SUMMARY: Rules 69O-198.001, 69O-198.002, 69O-198.010, and 69O-198.015, F.A.C. are repealed.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 634.402 FS.

LAW IMPLEMENTED: 624.424, 634.407, 634.408, 634.409, 634.413, 634.4085 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: Michael Lawrence, Jr., Chief Legal Counsel, Office of Insurance Regulation, Michael.LawrenceJr@flair.com, (850) 413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-198.001 Purpose.

Rulemaking Authority 634.402 FS. Law Implemented 634, Part III FS. History—New 6-3-84, Formerly 4-67.01, Amended 12-26-88, Formerly 4-67.001, 4-198.001, Repealed.

69O-198.002 Scope.

Rulemaking Authority 634.402 FS. Law Implemented 634.409, 634.413 FS. History—New 6-3-84, Formerly 4-67.02, Amended 12-26-88, Formerly 4-67.002, 4-198.002, Repealed.

69O-198.010 License Continuance.

Rulemaking Authority 634.402 FS. Law Implemented 624.424, 634.408 FS. History—New 12-26-88, Formerly 4-67.010, Amended 3-28-93, Formerly 4-198.010, Amended 7-30-17, Repealed.

69O-198.015 Forms Incorporated by Reference.

Rulemaking Authority 634.402 FS. Law Implemented 634.405, 634.407, 634.408, 634.4085, 634.415 FS. History—New 12-26-88, Amended 5-28-90, Formerly 4-67.015, Amended 3-28-93, Formerly 4-198.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Lawrence, Jr., Chief Legal Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 5, 2020

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NOS.: RULE TITLES:

69O-198.005 Financial Requirements

69O-198.011 Application for and Issuance of License

69O-198.012 Annual Statement

PURPOSE AND EFFECT: The Office of Insurance Regulation is updating Chapter 69O-198, F.A.C.

SUMMARY: Rule 69O-198.005, F.A.C., is amended to update the financial requirements. Rule 69O-198.011 is amended to combine all application requirements in a single rule. Rule 69O-198.012, F.A.C. is amended to update the annual statement requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has 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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 634.402 FS.

LAW IMPLEMENTED: 624.424, 634.404, 634.406, 634.407, 634.408, 634.409, 634.413, 634.415, 634.4165 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: Michael Lawrence, Jr., Chief Legal Counsel, Office of Insurance Regulation, Michael.LawrenceJr@flair.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-198.005 Financial Requirements.

Requirements regarding the funded, unearned premium reserve account.

(1) through (4) No change.

(5) The unearned premium reserve account is calculated as follows:

(a) ~~The For all one year contracts, the~~ minimum reserve for all service warranty associations shall be 25 percent of the gross written premium received on all warranty contracts in force, in this state, for which the association is obligated on all contracts wherever issued.

(b) ~~For contracts in excess of two years which are offered by associations having net assets of less than \$500,000 and for which premiums are collected in advance for coverage in a subsequent year, 100 percent of the premiums for such subsequent years must be placed in the funded unearned premium reserve account. For all multiyear contracts issued in any state:~~

~~1. For companies having less than \$500,000 net assets, the reserve shall initially be calculated at 25 percent for the first year premium and 100 percent for each subsequent year's premium for all gross written premiums for which the association is obligated. As each subsequent year becomes current, 75 percent of that current year's premium is earned and shall be subtracted from the reserve. The reserve is maintained until the expiration of the multiyear policy.~~

~~Example:~~

~~The reserve shall be calculated as follows on a three year contract with a selling price of \$300.00:~~

| | |
|------------------------|---------------------|
| First Year | \$225.00 |
| Second Year | \$150.00 |
| Third Year | \$75.00 |

~~2. For companies that have more than \$500,000 net assets, the reserve shall be calculated at 25 percent of the gross written premiums for which the association is obligated.~~

~~Example:~~

~~The reserve shall be calculated as follows on a three year contract with a selling price of \$300:~~

| | |
|------------------------|--------------------|
| First Year | \$75.00 |
| Second Year | \$75.00 |
| Third Year | \$75.00 |

(6) The unearned premium reserve account shall be totally funded at all times by unencumbered assets. Those prescribed assets funding the unearned premium reserve shall be clearly designated for this purpose and such reserve account must be a separate auditable account for contracts in force in this state.

(7) No warranty seller may allow its gross written premiums in force for contracts written in this state to exceed a 7-to-1 ratio to net assets ~~Requirements regarding the ratios required by sections 634.406(3) and (4), F.S.~~

~~The ratio requirement is a calculation of the ratio of gross written premiums (for which the association is obligated wherever written in any state) to net assets.~~

(8)(a) All service warranty associations utilizing a funded unearned premium reserve account for contracts in force in this state shall deposit with the Department Office a reserve deposit equal to 10% of the gross written premiums received in force on all Florida warranty contracts in this state.

(b) No change.

(9) Requirements Regarding the Contractual Liability Policy. Contractual liability insurance may be purchased only from an admitted property and casualty insurer whose

certificate of authority indicates that it may issue this type of policy and which has been approved by the Office. All insurers issuing contractual liability policies to service warranty associations must, at a minimum, use policy provisions providing policyholder protection substantially equivalent to and not materially in conflict with that provided in the sample ~~contractual liability policy Form OIR-C1-969 form OIR-969~~, incorporated by reference in Rule 690-198.011 rule 690-198.015, F.A.C. A policy is in violation of this subsection only if it is in violation of a statute or rule.

Rulemaking Authority 634.402 FS. Law Implemented 634.406(1), (3), (4), 634.4165 FS. History—New 12-26-88, Formerly 4-67.005, Amended 4-26-90, 3-28-93, 4-3-94, Formerly 4-198.005, Amended

690-198.011 Application for and Issuance of License and License Continuance.

Substantial rewording of Rule 690-198.011, F.A.C. follows. See Florida Administrative Code for present text.

(1) Application for License as a Service Warranty Association

(a) An application for a person applying for a license as a service warranty association consists of the following:

1. Form OIR-C1-997, "Application for License Service Warranty Association," effective 12/18, hereby incorporated by reference and available at www.flrules.org/XXXXX;

2. Form OIR-A3-455, "Home or Service Warranty Association Surety Bond," effective 5/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

3. Form OIR-C1-144, "Service of Process Consent & Agreement," effective 6/04, hereby incorporated by reference and available at www.flrules.org/XXXXX;

4. Form OIR-C1-905, "Instructions for Furnishing Background Investigative Reports," effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

5. Form OIR-C1-938, "Fingerprint Payment and Submission Procedures," effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

6. Form OIR-C1-969, "Contractual Liability Policy," effective 5/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

7. Form OIR-C1-995, "List of Proposed Sales Representatives," effective 10/05, hereby incorporated by reference and available at www.flrules.org/XXXXX;

8. Form OIR-C1-1423, "Biographical Affidavit," effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX; and

9. Form OIR-C1-2221, "Management Information Form," effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX.

(b) A person applying for a license as a service warranty association shall submit forms listed in paragraph (1)(a) as directed by the Office electronically at <https://www.floir.com/iportal>.

(2) License Continuance for Service Warranty Association

(a)1. A service warranty association’s license shall continue in force as long as the licensee is in compliance with the provisions of chapter 634, part III, F.S.

2. Failure to submit the application for continuance by March 1 shall result in expiration of the license and will require the filing of a new application for licensure.

(b) A licensee seeking to continue operating as a service warranty association shall submit the following:

1. Form OIR-A3-110, “License Continuance Form Service Warranty Association,” effective 5/20, hereby incorporated by reference and available at www.flrules.org/XXXXX, filed electronically at <https://www.floir.com/iportal>; and

2. A fee of \$200.00 filed annually in conjunction with the March 1 filing of the annual statement.

(c) Any licensee who fails to renew a service warranty association license shall immediately cease and desist from engaging in the service warranty business in the state of Florida. The service warranty association shall honor those service warranty contracts in force until the date of expiration or the date of cancellation and a refund is made to the consumer.

(3) Application for License as a Service Warranty Association Manufacturer or Affiliate

(a) An application for a person applying for a license as a service warranty association manufacturer or affiliate consists of the following:

1. Form OIR-C1-989, “Application for License Service Warranty Association Manufacturer or Affiliate,” effective 12/18, hereby incorporated by reference and available at www.flrules.org/XXXXX;

2. Form OIR-C1-144, incorporated by reference in paragraph (1)(a);

3. Form OIR-C1-969, incorporated by reference in paragraph (1)(a); and

4. Form OIR-C1-2221, incorporated by reference in paragraph (1)(a).

(b) A person applying for a license as a service warranty association shall submit forms listed in paragraph (3)(a) as directed by the Office electronically at <https://www.floir.com/iportal>.

(4) License Continuance for Service Warranty Association Manufacturer or Affiliate

(a)1. A service warranty association manufacturer or affiliate’s license shall continue in force as long as licensee is in compliance with the provisions of chapter 634, part III, F.S.

2. Failure to submit the application for continuance by March 1 shall result in expiration of the license and will require the filing of a new application for licensure.

(b) A licensee seeking to continue operating as a service warranty association manufacturer or affiliate shall submit the following:

1. Form OIR-A3-955, “License Continuance Form Service Warranty Association Manufacturer or Affiliate,” effective 5/20, hereby incorporated by reference and available at www.flrules.org/XXXXX, filed electronically at <https://www.floir.com/iportal>; and

2. A fee of \$500.00 filed annually in conjunction with the March 1 filing of the annual statement.

(c) Any licensee who fails to renew a service warranty association license shall immediately cease and desist from engaging in the service warranty business in the state of Florida. The service warranty association shall honor those service warranty contracts in force until the date of expiration or the date of cancellation and a refund is made to the consumer.

Rulemaking Authority 634.402 FS. Law Implemented 624.424, 634.407, 634.408 FS. History—New 3-28-93, Formerly 4-198.011, Amended _____.

69O-198.012 Annual Statement.

(1) An Annual Statement is required to be filed with the Office of Insurance Regulation, on or before March 1 of each year, on Form OIR-A3-456, “Annual Statement for Service Warranty Association,” effective 5/20, (05/90) hereby incorporated by reference and available at www.flrules.org/XXXXX, and Form OIR-A3-458, “Annual Statement for Publicly Held Corporation,” effective 5/20, hereby incorporated by reference and available at www.flrules.org/XXXXX. The filings shall be submitted electronically via the Office’s system at <https://www.floir.com/iportal>. as incorporated by reference in subsection 69O-198.015(1), F.A.C. If the Annual Statements are statement is not complete to include all information requested in the format provided, they it will not be deemed filed until all deficiencies are corrected.

(2) Forms are available at <https://www.floir.com/iportal>. All filings shall be submitted electronically to <https://www.floir.com/iportal>.

Rulemaking Authority 634.402 FS. Law Implemented 624.424, 634.415 FS. History—New 12-26-88, Amended 4-26-90, Formerly 4-67.012, 4-198.012, Amended 7-30-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: :
Michael Lawrence, Jr., Chief Legal Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: November 5, 2020

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-198.013 Change in Corporate or Business Name

PURPOSE AND EFFECT: The Office of Insurance Regulation is updating Chapter 69O-198, F.A.C..

SUMMARY: Rule 69O-198.013, F.A.C. is created since this notification requirement will be removed from Rule 69O-198.011, F.A.C.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 634.402 FS.

LAW IMPLEMENTED: 634.404 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: Michael Lawrence, Jr., Chief Legal Counsel, Office of Insurance Regulation, Michael.LawrenceJr@flair.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-198.013 Change in Corporate or Business Name
Service warranty associations are required to notify the Office in writing in accordance with section 634.404, F.S., of any change in the corporate name or business name.
Rulemaking Authority 634.402 FS. Law Implemented 634.404 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Michael Lawrence, Jr., Chief Legal Counsel, Office of Insurance Regulation, Michael.LawrenceJr@flair.com, (850) 413-4112.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 5, 2020

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NOS.: RULE TITLES:

69O-199.001 Purpose and Scope

69O-199.010 License Renewal

69O-199.015 Forms Incorporated by Reference

PURPOSE AND EFFECT: The Office of Insurance Regulation is updating Chapter 69O-199.

SUMMARY: Rules 69O-199.001, 69O-199.010, and 69O-199.015, F.A.C. are repealed.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 634.002 FS.

LAW IMPLEMENTED: 624.424, 634.306, 624.307, 634.3073, 634.3077, 634.313, 634.315 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: Michael Lawrence, Jr., Chief Legal

Counsel, Office of Insurance Regulation,
Michael.LawrenceJr@flair.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-199.001 Purpose and Scope.

Rulemaking Authority 634.302 FS. Law Implemented 634, Part II FS. History—New 7-15-90, Formerly 4-118.001, 4-199.001, Repealed

69O-199.010 License Renewal.

Rulemaking Authority 634.302 FS. Law Implemented 624.424, 634.307 FS. History—New 7-16-92, Amended 4-3-94, Formerly 4-199.010, Amended 7-30-17, Repealed

69O-199.015 Forms Incorporated by Reference.

Rulemaking Authority 634.302 FS. Law Implemented 624.424, 634.306, 634.3073, 634.3077, 634.313, 634.315 FS. History—New 7-15-90, Formerly 4-118.015, Amended 7-16-92, Formerly 4-199.015, Amended 7-30-17, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Michael Lawrence, Jr., Chief Legal Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 29, 2020

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NOS.: RULE TITLES:

69O-199.005 Financial Requirements Regarding the Funded, Unearned Premium Reserve Account

69O-199.008 General Eligibility Requirements

69O-199.012 Annual Statement

PURPOSE AND EFFECT: The Office of Insurance Regulation is updating Chapter 69O-199, F.A.C.

SUMMARY: Rule 69O-199.005, F.A.C. is amended to update the financial requirements. Rule 69O-199.008, F.A.C. is amended to combine all application requirements in a single rule. Rule 69O-199.012, F.A.C. is amended to update the annual statement requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has 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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 634.002 FS.

LAW IMPLEMENTED: 624.307, 624.424, 634.304, 634.306, 624.307, 634.3073, 634.3077, 634.313, 634.315 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: Michael Lawrence, Jr., Chief Legal Counsel, Office of Insurance Regulation, Michael.LawrenceJr@flair.com, (850) 413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-199.005 Financial Requirements Regarding the Funded, Unearned Premium Reserve Account.

(1)(a) “Gross premium” means the total amount of premium paid by the consumer, inclusive of commissions.

(b) “Gross Written Premiums” means the total amount of premiums paid by the consumer, inclusive of commissions for which the association is obligated.

(c)(b) “Obligated” means outstanding warranties in force which have not expired or been canceled and a refund made to the consumer.

(2)(a) No change.

(b) The serially numbered contract shall include:

1. through 4. No change.

5. Warranty period; and,

6. No change.

(c) No change.

(3) Each home warranty association shall maintain a warranty register, which shall include at least the following items:

(a) through (f) No change.

(g) Commission to sales representative; and,

(h) No change.

(4) “Gross premium” means the total amount of premium paid by the consumer, inclusive of commissions.

~~(4)~~⁽⁵⁾ The unearned premium reserve account is calculated as follows: the minimum reserve for all home warranty associations shall be 25 percent of the gross written premium for which the association is obligated on all contracts, issued in ~~this any~~ state.

~~(5)~~⁽⁶⁾ The unearned premium reserve account shall be totally funded and identified at all times by unencumbered assets. Those prescribed assets funding the unearned premium reserve shall be clearly designated for this purpose and such reserve account must be a separate auditable account for contracts in force in this state.

~~(6)~~⁽⁷⁾ The ratios required by section 634.3077(2), F.S., are net assets to gross written premiums for which the association is obligated, wherever written, in any state, except that the ratio of net assets to gross written premiums may be less if the association has net assets of not less than \$500,000 and maintains a funded, unearned premium reserve account equal to a minimum of 40 percent of the gross written premiums received by it from all warranty contracts in force in this state. Rulemaking Authority 634.302 FS. Law Implemented 634.3077 FS. History—New 7-16-92, Formerly 4-199.005, Amended _____.

690-199.008 Application for License and License Renewal. General Eligibility Requirements.

Substantial rewording of Rule 690-199.008, F.A.C. follows. See Florida Administrative Code for present text.

(1) Application for License as a Home Warranty Association

(a) An application for a person applying for a license as a home warranty association consists of the following:

1. Form OIR-C1-490, “Application for License Home Warranty Association,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

2. Form OIR-A3-455, “Home or Service Warranty Association Surety Bond,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

3. Form OIR-C1-144, “Service of Process Consent & Agreement,” effective 6/04, hereby incorporated by reference and available at www.flrules.org/XXXXX;

4. Form OIR-C1-905, “Instructions for Furnishing Background Investigative Reports,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

5. Form OIR-C1-938, “Fingerprint Payment and Submission Procedures,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

6. Form OIR-C1-969, “Contractual Liability Policy,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX;

7. Form OIR-C1-995, “List of Proposed Sales Representatives,” effective 10/05, hereby incorporated by reference and available at www.flrules.org/XXXXX;

8. Form OIR-C1-1423, “Biographical Affidavit,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX; and

9. Form OIR-C1-2221, “Management Information Form,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX.

(b) A person applying for a license as a home warranty association shall submit the forms listed in paragraph (1)(a) as directed by the Office electronically at <https://www.floir.com/iportal>.

(2) Annual License Renewal

(a)1. All home warranty association licenses shall expire on June 1.

2. Failure to submit the application for continuance by June 1 shall result in expiration of the license and will require the filing of a new application for licensure.

(b) A licensee seeking to continue operating as a home warranty association shall submit the following:

1. Form OIR-A3-1073, “Application for Renewal of License Home Warranty Association,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX, filed electronically at <https://www.floir.com/iportal> and

2. A fee of \$200.00 filed annually in conjunction with the June 1 filing of the Annual Statement.

(c) Any licensee who fails to renew a home warranty association license shall immediately cease and desist from engaging in the home warranty business in the state of Florida. The home warranty association shall honor those home warranty contracts in force until the date of expiration or the date of cancellation and a refund is made to the consumer.

Rulemaking Authority 634.302 FS. Law Implemented 624.424, 634.304, 634.306, 624.307, 634.3073, 634.315 FS. History—New 7-16-92, Amended 4-3-94, Formerly 4-199.008, Amended 7-30-17, _____.

690-199.012 Annual Statement.

(1)(a) An Annual ~~Statement Report~~ shall be filed with the Office of ~~Insurance Regulation~~, on or before March 1 of each year, on Form OIR-A3-491, “Annual Statement for Home Warranty Association,” effective 6/20, hereby incorporated by reference and available at www.flrules.org/XXXXX. ~~The filings shall be submitted electronically via the Office’s system at <https://www.floir.com/iportal>, on the form prescribed by the Office in rule 690-199.015, F.A.C.~~

(b) If the Annual Statement statement does not include all information requested in the format provided, it will not be deemed filed until all deficiencies are corrected.

(2) A late filing fee will be assessed in accordance with rule chapter 69O-207, F.A.C., for each company that has not filed a complete Annual Statement ~~annual statement~~ in accordance with this rule.

(3)(a) Any request for an extension of filing the Annual Statement ~~annual report~~ shall be in writing and the reason(s) for the extension explained in detail.

(b) All requests for extension must be filed with the Office fifteen (15) days prior to the deadline date for filing the annual report.

(c) Any request for extension ~~request~~ received less than fifteen (15) days prior to due date will be denied except for unavoidable circumstances, which include ~~for example~~:

- 1. through 2. No change.

~~(4) All filings shall be submitted electronically at <http://www.flor.com/iportal>.~~

Rulemaking Authority 634.302 FS. Law Implemented 624.307(1), 624.424, 634.313 FS. History—New 7-16-92, Amended 4-3-94, Formerly 4-199.012, Amended 7-30-17,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Lawrence, Jr., Chief Legal Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 29, 2020

Section III
Notice of Changes, Corrections and Withdrawals

NONE

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

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

NOTICE IS HEREBY GIVEN that on February 03, 2021, the Department of Law Enforcement, received a petition for temporary waiver of subsection 11B-27.002(4), F.A.C. from Douglas W. Pope. Petitioner wishes to waive that portion of the rule that states: (4)(a) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On February 3, 2021 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Alina Residences at 200 SE Mizner Blvd, Boca Raton, FL, filed January 4, 2021, and advertised on January 8, 2021, in Vol. 47, No. 5, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.8.1, ASME A17.1, 2013 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires non-elevator equipment not be placed in the elevator shaft because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2021-002).

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On January 26, 2021 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from INVERSIONES ULA INC located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and 3-compartment sink.

The Petition for this variance was published in Vol. 47/17 on January 27, 2021. The Order for this Petition was signed and approved on January 4, 2021. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sinks and 3-compartment sink are emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sinks are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Kasimira.Kelly@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.0037 Department Licensing Procedures

NOTICE IS HEREBY GIVEN that on February 3, 2021, the Department of Children and Families, received a petition for petition for variance of subsection 65D-30.0037(3), Florida

Administrative Code, from CDAC Behavioral Healthcare, Inc., assigned Case No. 21-001W. subsection 65D-30.0037(3), Florida Administrative Code, states in pertinent part: A provider that is licensed under chapter 397, F.S., to provide day or night treatment, intensive outpatient treatment, outpatient treatment, aftercare, or intervention is permitted to deliver those component services at locations which are leased or owned by an organization other than the provider, but not by another provider.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Legislative and Special Initiatives Committee of the Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 15, 2021, 1:30 p.m. until conclusion

PLACE: DIAL-IN INFORMATION: 1(888)585-9008, PARTICIPANT PASSCODE: 340-556-387

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Business

A copy of the agenda may be obtained by contacting: Lynn Guyton at Lynn.Guyton@myfloridalegal.com or by accessing the board's website at:

http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/8AE A5858B1253D0D85257D34005AFA72?Open&Highlight=0,s tatewide,council,meeting

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

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

For more information, you may contact: Lynn Guyton at Lynn.Guyton@myfloridalegal.com by telephone at 1(813)287-7950.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs
 The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, February 10, 2021, 12:15 p.m. – 12:45 p.m.

PLACE: Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman Special Called Council Teleconference

The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

DATE AND TIME: March 4, 2021, 10:00 a.m.

PLACE: Zoom

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

A copy of the agenda may be obtained by contacting: spohnoltz@agtag.org.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The CRAFT Foundation, Inc. Technical Advisory Committee (known as Technical Working Group) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 12, 2021, 9:00 a.m.

PLACE: The meeting will be conducted via Zoom web conferencing. Attendees may join the web conference by visiting

<https://us02web.zoom.us/j/89464561535?pwd=UEdJZHJjWEZQMUNwaGkxRm53WFRXZz09> and entering Meeting ID: 894 6456 1535 and Passcode: 407769. To join by audio only, dial (312)626-6799 and enter Meeting ID: 894 6456 1535 and Passcode: 407769.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CRAFT Foundation Technical Working Group will conduct a meeting to discuss and execute matters including, but not limited to, the review and recommendation of CRAFT Cycle Two participant applications and other issues.

A copy of the agenda may be obtained by contacting: Tamara Wood at 1(863)698-9276.

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: Tamara Wood at 1(863)698-9276. 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: Tamara Wood at 1(863)698-9276.

DEPARTMENT OF LAW ENFORCEMENT

The Federal Funding Work Group (FFWG) announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, February 24, 2021, 10:00 a.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Federal Funding Work Group (FFWG) is meeting to discuss and approve concept papers for inclusion in the state's federal grant applications.

A copy of the agenda may be obtained by contacting: Rori Dunbar at RoriDunbar@fdle.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Rori Dunbar at RoriDunbar@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rori Dunbar at RoriDunbar@fdle.state.fl.us.

STATE BOARD OF ADMINISTRATION

The STATE BOARD OF ADMINISTRATION announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 22, 2021, 10:00 a.m. – conclusion of Business (ET)

PLACE: Due to changing concerns surrounding COVID-19, the meeting will be held virtually only. Please register on the State Board of Administration’s website, at www.sbafla.com prior to the meeting.

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

A copy of the agenda may be obtained by contacting: Kimberly Calhoun, (850)413-1243 or email; kimberly.calhoun@sbafla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jim Moore, (850)413-1164 or email; Jim.Moore@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2021, 11:00 a.m.

PLACE: Miami-Dade Fire Rescue Headquarters, Press Room, 9300 NW 41 Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Turkey Point Nuclear Power Plant is having a FEMA evaluated exercise on February 10, 2020. After each evaluated exercise, the County holds a public meeting in which all persons are invited.

The Division reserves the right to issue amendments, agenda, and changes to the timeline and specifically to the meeting notice listed above.

A copy of the agenda may be obtained by contacting: Miami-Dade Fire Rescue Headquarters (MDFR) Public Information Bureau, (305)814-8051.

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: MDFR Public Information Bureau, (305)814-8051. 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: MDFR Public Information Bureau, (305)814-8051.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATE AND TIME: Wednesday, February 24, 2021, 1:30 p.m.

PLACE: SWFWMD, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Springs Coast Management Committee Meeting. Due to COVID-19, this meeting will be conducted by means of communications media technology to reduce public gatherings and practice social distancing. Anyone who wishes to provide public input will be able to do so by at this link <http://bit.ly/2LHueJH> or by calling (786)749-6127, 650037356# and entering a conference room number of 650 037 356#. This number will allow the public to listen to the meeting and/or provide comments. Additional instructions regarding viewing of and participation in the meeting are available on the District’s website at WaterMatters.org or by calling 1(800)423-1476 and requesting assistance.

A copy of the agenda may be obtained by contacting: WaterMatters.org, Boards, Meetings & Event Calendar, 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office, (352)796-7211 or 1(800)423-1476 (FL only), ext. 4747 or email to ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lauren.Vossler@watermatters.org, 1(800)423-1476 (FL only) or (352)796-7211, x4400 (Ad Order0774).

DEPARTMENT OF ELDER AFFAIRS

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

DATE AND TIME: February 26, 2021, 10:00 a.m. – 12:00 Noon ET

PLACE: Join Teams Meeting: [Click here to join the meeting](#)

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 430.501, Florida Statutes, the

Alzheimer's Disease Advisory Committee will be holding a quarterly meeting in order to fulfill its duties in advising the Department of Elder Affairs in the performance of its duties under this act regarding legislative, programmatic, and administrative matters that relate to those living with Alzheimer's disease and their caretakers.

A copy of the agenda may be obtained by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045. 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: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

DEPARTMENT OF ELDER AFFAIRS

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

DATE AND TIME: Friday, June 25, 2021, 10:00 a.m. – 12:00 Noon ET

PLACE: Join Teams Meeting: [Click here to join the meeting](#)
GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 430.501, Florida Statutes, the Alzheimer's Disease Advisory Committee will be holding a quarterly meeting in order to fulfill its duties in advising the Department of Elder Affairs in the performance of its duties under this act regarding legislative, programmatic, and administrative matters that relate to those living with Alzheimer's disease and their caretakers.

A copy of the agenda may be obtained by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045. 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: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

DEPARTMENT OF ELDER AFFAIRS

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

DATE AND TIME: Friday, September 24, 2021, 10:00 a.m. – 12:00 Noon ET

PLACE: Join Teams Meeting: [Click here to join the meeting](#)
GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 430.501, Florida Statutes, the Alzheimer's Disease Advisory Committee will be holding a quarterly meeting in order to fulfill its duties in advising the Department of Elder Affairs in the performance of its duties under this act regarding legislative, programmatic, and administrative matters that relate to those living with Alzheimer's disease and their caretakers.

A copy of the agenda may be obtained by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045. 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: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

DEPARTMENT OF ELDER AFFAIRS

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

DATE AND TIME: Friday, December 3, 2021, 10:00 a.m. – 12:00 Noon ET

PLACE: Join Teams Meeting: [Click here to join the meeting](#)
GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 430.501, Florida Statutes, the Alzheimer's Disease Advisory Committee will be holding a quarterly meeting in order to fulfill its duties in advising the Department of Elder Affairs in the performance of its duties under this act regarding legislative, programmatic, and administrative matters that relate to those living with Alzheimer's disease and their caretakers.

A copy of the agenda may be obtained by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045. 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: Carolina Mérida, meridac@elderaffairs.org, (850)414-2045.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

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

DATES AND TIMES: April 19, 2021, 9:00 a.m.; April 20, 2021, 9:00 a.m.

PLACE: <https://global.gotomeeting.com/join/270778813>

You can also dial in using your phone. United States: (408)650-3123, Access Code: 270-778-813

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

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

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

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

For more information, you may contact: Florida Board of Cosmetology, 2601 Blair Stone, Tallahassee, Florida, 32399, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

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

DATE AND TIME: Friday, February 12, 2021, 11:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for Commission/Board Member

Training. All or part of this meeting will be conducted as a teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: DREFREC@myfloridalicense.com.

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

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

For more information, you may contact: DREFREC@myfloridalicense.com.

DEPARTMENT OF MILITARY AFFAIRS

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

DATE AND TIME: February 12, 2021, 8:00 a.m.

PLACE: Command Conference Room, Saint Francis Barracks 82 Marine Street St Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Armory Board Meeting to review lease(s) and other business relative to real property and facility management.

A copy of the agenda may be obtained by contacting: Susan Spooner (904)823-0201

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Susan Spooner (904)823-0201. 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: Susan Spooner (904)823-0201.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The Center for Independent Living announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 11, 2021, 8:15 a.m.
 PLACE: CIL Office
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 General Committee Meeting
 A copy of the agenda may be obtained by contacting: Carla Campbell
 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: Carla Campbell. 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).

CAREERSOURCE FLORIDA
 The CareerSource Florida Board of Directors announces a public meeting to which all persons are invited.
 DATE AND TIME: February 18, 2021, 1:00 p.m.
 PLACE: Virtual meeting
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues of CareerSource Florida
 A copy of the agenda may be obtained by contacting: Lisa Cramer at lcramer@careersourceflorida.com.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Lisa Cramer. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: Lisa Cramer at lcramer@careersourceflorida.com.

ENTERPRISE FLORIDA, INC.
 The Enterprise Florida, Inc. and the Florida Defense Support Task Force announces a public meeting to which all persons are invited.
 DATE AND TIME: Thursday, February 18, 2021, 10:30 a.m. ET – 1:30 p.m. ET
 PLACE: Zoom Meeting:
 Join Zoom Meeting:
<https://zoom.us/j/8502986640?pwd=R2E4VVMrLzdXeUVLQklPUjJXeTY0Zz09>, Meeting ID: 850 298 6640, Passcode: Feb@18
 One tap mobile:
 (301)715-8592, 8502986640#, *955522# US (Washington DC)
 (312)626-6799, 8502986640#, *955522# US (Chicago)
 Dial by your location:
 (301)715-8592, US (Washington DC)
 (312)626-6799, US (Chicago)
 (646)558-8656, US (New York)
 (253)215-8782, US (Tacoma)

(346)248-7799, US (Houston)
 (669)900-9128, US (San Jose)
 Meeting ID: 850 298 6640, Passcode: 955522
 Find your local number: <https://zoom.us/u/abHwtNYo2>
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss proposed actions that will assist in preserving, protecting and enhancing Florida’s military installations and missions.
 A copy of the agenda may be obtained by contacting: Michelle Griggs, (850)298-6640, mgriggs@enterpriseflorida.com.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Michelle Griggs, (850)298-6640, mgriggs@enterpriseflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: Ray Collins, (850)878-4578, rcollins@enterpriseflorida.com.

FLORIDA IS FOR VETERANS INC.
 The Florida is for Veterans, Inc., dba Veterans Florida announces a public meeting to which all persons are invited.
 DATE AND TIME: February 18, 2021, 10:00 a.m.
 PLACE: Google Meet at <https://meet.google.com/npk-odiy-jtp>
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Program updates, legislative goals, and budget items.
 A copy of the agenda may be obtained by contacting: info@veteransflorida.org.
 For more information, you may contact: info@veteransflorida.org.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Division of Alcoholic Beverages and Tobacco
 NOTICE IS HEREBY GIVEN that Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has issued an order disposing of the petition for declaratory statement filed by Winn Dixie Stores, Inc. on January 13, 2020. The following is a summary of the agency's disposition of the petition:
 Petitioner Winn Dixie Stores, Inc. petition for declaratory statement is granted.
 A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Department of Business and Professional Regulation, Agency Clerk's Office,

2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850)717-1183, AGC.Filing@MyFloridaLicense.com.

Please refer all comments to: Jaxon Lear, Senior Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850)717-1199, jaxon.lear@myfloridalicense.com. (DS #2020-005, DBPR Case Ref # 2020-002702).

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION

University of Florida

UF Harn Museum American Art Wing AE selection

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-671, Harn Museum American Art Wing (Gainesville, FL)

As the Harn marks its 30th anniversary and launches a strategic plan for the next 5 years, the new American Art Wing will provide a multi-purpose addition to engage in activities that will further fulfill its mission to inspire, educate and enrich people’s lives through art as well as enhance the experience of all UF students. In addition to creating more display and storage space, a print-study center and conservation studio will be included in this new wing, creating new teaching tools and learning opportunities for UF students.

The main floor of the new wing will connect to the main floor of the existing building and will extend out towards the parking lot from the Rotunda providing a high level of visibility as visitors approach the entrance of the Harn. The new works on paper study and conservation center would allow scholars and students from around the world to come and study original works of art under the guidance of trained museum staff.

The estimated construction budget is approximately \$12,700,000, including site improvements, utilities, security, AV and landscape. The project will be delivered using the Construction Manager At-Risk method and the project bid documents will include early site and structure packages. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory. The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection, structural, and civil engineering consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, and Workers’ Compensation.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background

information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, sustainability accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant’s corporate status in Florida (if applicable) and copies of current licenses for applicant firm and all engineering and landscape architecture consultants (firms) from the appropriate governing board.
5. Proof of the applicant’s and all engineering consultants’ ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Planning Design& Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time, on Thursday March 04, 2021. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Planning Design & Construction, 245 Gale Lemerand Drive / P.O. Box 115050, Gainesville, FL 32611-5050, Telephone: (352)273-4000, Internet: www.facilities.ufl.edu.

FISH AND WILDLIFE CONSERVATION COMMISSION
 FWC 20/21-62C MARTIN COUNTY BS/MPZ MARKER
 CONSTRUCTION PROJECT
 BID NO: FWC 20/21-62C

TITLE: MARTIN COUNTY BS/MPZ MARKER
 CONSTRUCTION PROJECT

The intent of this Invitation to Bid (ITB) is to obtain competitive pricing for MARTIN COUNTY BS/MPZ MARKER CONSTRUCTION PROJECT, in accordance with the contract documents and Chapter 255 of the Florida Statutes. SEALED BIDS WILL BE PUBLICLY OPENED AND READ ALOUD

BID OPENING DATE & TIME: February 26, 2021, 3:30 p.m.
 BID OPENING LOCATION: Florida Fish & Wildlife Conservation Commission, 1875 Orange Avenue East, Tallahassee, Florida 32311-6160

TAMPA INTERNATIONAL AIRPORT/HILLSBOROUGH COUNTY AVIATION AUTHORITY
 HILLSBOROUGH COUNTY AVIATION AUTHORITY (AUTHORITY)

RFP No. 86008 for Air Services Development
 Sealed proposals for Air Services Development will be received from firms by the Authority electronically at www.TampaAirport.com > Learn about TPA > Airport Business > Procurement > Current Solicitation Opportunities > Solicitations – Non-Capital. Solicitation documents and detailed requirements will be available on the Tampa International Airport website at www.tampaairport.com > Learn about TPA > Airport Business > Procurement > Current Solicitation Opportunities > Solicitations – Non-Capital on or about February 3, 2021.

Section XII Miscellaneous

DEPARTMENT OF STATE
 Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, January 29, 2021 and 3:00 p.m., Thursday, February 4, 2021.

| Rule No. | File Date | Effective Date |
|----------|-----------|----------------|
| 5C-9.001 | 1/29/2021 | 2/18/2021 |
| 5C-9.002 | 1/29/2021 | 2/18/2021 |
| 5C-9.003 | 1/29/2021 | 2/18/2021 |
| 5C-9.004 | 1/29/2021 | 2/18/2021 |
| 5C-9.005 | 1/29/2021 | 2/18/2021 |
| 5C-9.006 | 1/29/2021 | 2/18/2021 |

| | | |
|--------------|-----------|-----------|
| 5C-9.007 | 1/29/2021 | 2/18/2021 |
| 59AER21-1 | 1/29/2021 | 2/1/2021 |
| 59AER21-2 | 1/29/2021 | 2/2/2021 |
| 59AER21-3 | 1/29/2021 | 2/2/2021 |
| 60FF1-5.003 | 2/3/2021 | 2/23/2021 |
| 61C-1.002 | 1/29/2021 | 2/18/2021 |
| 61C-4.0161 | 1/29/2021 | 2/18/2021 |
| 61H1-20.0093 | 2/1/2021 | 2/21/2021 |
| 61J1-4.002 | 1/29/2021 | 2/18/2021 |
| 61J1-4.003 | 1/29/2021 | 2/18/2021 |
| 61J1-4.005 | 1/29/2021 | 2/18/2021 |
| 61J1-7.004 | 2/3/2021 | 2/23/2021 |
| 61J1-7.005 | 2/3/2021 | 2/23/2021 |
| 64B-9.007 | 2/2/2021 | 2/22/2021 |
| 64B7-29.001 | 2/3/2021 | 2/23/2021 |
| 64B7-29.007 | 2/3/2021 | 2/23/2021 |
| 64B9-15.005 | 2/4/2021 | 2/24/2021 |
| 64B17-3.001 | 2/4/2021 | 2/24/2021 |
| 64B17-3.002 | 2/4/2021 | 2/24/2021 |
| 64B17-7.0027 | 2/4/2021 | 2/24/2021 |
| 64B17-9.001 | 2/4/2021 | 2/24/2021 |
| 69A-37.065 | 2/4/2021 | 2/24/2021 |
| 69O-142.015 | 2/2/2021 | 2/22/2021 |
| 73A-5.001 | 2/4/2021 | 2/24/2021 |
| 73A-5.002 | 2/4/2021 | 2/24/2021 |
| 73A-5.003 | 2/4/2021 | 2/24/2021 |
| 73A-5.004 | 2/4/2021 | 2/24/2021 |
| 73A-5.005 | 2/4/2021 | 2/24/2021 |
| 73A-5.006 | 2/4/2021 | 2/24/2021 |
| 73B-10.023 | 2/4/2021 | 2/24/2021 |
| 73B-10.024 | 2/4/2021 | 2/24/2021 |
| 73B-10.025 | 2/4/2021 | 2/24/2021 |

| | | |
|-------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------|
| 73B-10.026 | 2/4/2021 | 2/24/2021 |
| 73B-10.037 | 2/4/2021 | 2/24/2021 |
| 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 | **/**/**** |

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for July 2022, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 2, Room C-1, MS 28, Tallahassee, Florida 32308, on or before 5:00 p.m., February 22, 2021.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in

dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

| Hospice Program Net Need | | | |
|---------------------------------|---------------------|-----------------|----------|
| <u>Need</u> | <u>Service Area</u> | <u>Net</u> | |
| <u>Need</u> | <u>Service Area</u> | <u>Net Need</u> | |
| | District 1 | 0 | |
| | Subdistrict 6C | 0 | |
| | Subdistrict 2A | | |
| 0 | Subdistrict 7A | 1 | |
| | Subdistrict | | |
| 2B | 0 | Subdistrict 7B | 0 |
| | Subdistrict | | |
| 3A | 0 | Subdistrict 7C | 0 |
| | Subdistrict | | |
| 3B | 0 | Subdistrict 8A | 0 |
| | Subdistrict | | |
| 3C | 0 | Subdistrict 8B | 0 |
| | Subdistrict 3D | | |
| 0 | Subdistrict 8C | 0 | |
| | Subdistrict | | |
| 3E | 0 | Subdistrict 8D | 0 |
| | Subdistrict | | |
| 4A | 1 | Subdistrict 9A | 0 |
| | Subdistrict | | |
| 4B | 0 | Subdistrict 9B | 0 |
| | Subdistrict | | |
| 5A | 0 | Subdistrict 9C | 0 |
| | Subdistrict | | |
| 5B | 1 | District 10 | 0 |
| | Subdistrict | | |
| 6A | 0 | District 11 | 1 |
| | Subdistrict | | |
| 6B | 0 | Total | 4 |

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need
NOTICE OF HOSPITAL FIXED NEED POOLS FOR
PSYCHIATRIC AND SUBSTANCE ABUSE BEDS**

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for July 2026 pursuant to the provisions of Rules 59C-1.008, 59C-1.040, and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool

projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 2, Room C-1, MS 28, 2727 Mahan Drive, Tallahassee, Florida, 32308, on or before 5:00 p.m., February 22, 2021.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida, 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

| <u>Psychiatric and Substance Abuse Net Bed Need</u> | | | |
|-----------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| | <i>Adult Psychiatric Beds Adjusted Bed Need</i> | <i>Children & Adolescent Psychiatric Beds Adjusted Bed Need</i> | <i>Adult Substance Abuse Beds Net Adjusted Bed Need</i> |
| District 1 | 0 | 0 | 0 |
| District 2 | 0 | 0 | 0 |
| District 3 | 0 | 0 | 0 |
| District 4 | 0 | 0 | 0 |
| District 5 | 0 | 0 | 0 |
| District 6 | 0 | 0 | 0 |
| District 7 | 0 | 0 | 0 |
| District 8 | 0 | 0 | 4 |
| District 9 | 0 | 0 | 2 |

| | | | |
|-------------|---|---|---|
| District 10 | 0 | 0 | 0 |
| District 11 | 0 | 0 | 0 |
| Total | 0 | 0 | 6 |
| Statewide | | | |

| | |
|-----------------|---|
| District 1 | 0 |
| District 2 | 0 |
| District 3 | 0 |
| District 4 | 0 |
| District 5 | 0 |
| District 6 | 0 |
| District 7 | 0 |
| District 8 | 0 |
| District 9 | 0 |
| District 10 | 0 |
| District 11 | 0 |
| Total Statewide | 0 |

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

NOTICE OF HOSPITAL FIXED NEED POOLS FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for July 2026 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 2, Room C-1, MS 28, 2727 Mahan Drive, Tallahassee, Florida, 32308, on or before 5:00 p.m., February 22, 2021.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Comprehensive Medical Rehabilitation Bed Need

Net
Adjusted
Bed Need

DEPARTMENT OF HEALTH

Division of Children's Medical Services

Public Hearing Related to Florida's FFY 2021 Renewal Application for Funds and Proposed Policies Under Part C of the Individuals with Disabilities Education Act (IDEA)

In order to meet the public participation requirements under §441 of the General Education Provisions Act (GEPA) at 20 USC 1232d(b)(7)(B) and Part C of the Individuals with Disabilities Education Act (IDEA) at 34 CFR §303.208, the Early Steps State Office (ESSO), as lead agency for implementation of IDEA, Part C in Florida, is publishing proposed policies and the annual renewal application for funds under IDEA, Part C. In accordance with IDEA, Part C, the application will be available for public review on [http://www.cms-](http://www.cms-kids.com/home/resources/es_policy/es_policy.html)

[kids.com/home/resources/es_policy/es_policy.html](http://www.cms-kids.com/home/resources/es_policy/es_policy.html), for at least 60 days beginning March 2, 2021 through April 30, 2021. The opportunity for public comment on the Part C application will be available for 30 days beginning March 15, 2021 through April 13, 2021. Comments will be accepted from the general public, including parents of infants and toddlers with disabilities, providers of services, advocacy groups and organizations and other stakeholders in the state.

Comments may be submitted to CMS.EarlyStepsPublicComment@flhealth.gov. The Early Steps State Office must receive your comments no later than April 13, 2021. Note that the Early Steps State Office will not accept comments by phone, fax or e-mail to ESSO staff. To ensure that your comments have the maximum effect, please identify the specific section or sections of the proposed policies or Part C application that each of your comments addresses. Responses to individual questions will not be provided; however, the ESSO will review and consider all comments and make any modifications deemed necessary.

Comments may be submitted to the Early Steps State Office via postal mail, or commercial/express delivery. Comments should

indicate that they are concerning the Part C application.

Address comments to:

| | |
|---------------------------------|--------------------------------|
| Mailing Address: | Express Mail: |
| Natasha Ruiz-Villar | Natasha Ruiz-Villar |
| Florida Department of Health | Florida Department of Health |
| Children's Medical Services | Children's Medical Services |
| Early Steps State Office | Early Steps State Office |
| 4052 Bald Cypress Way, Bin #A06 | 4025 Esplanade Way, Room 120-L |
| Tallahassee, FL 32399-1707 | Tallahassee, FL 32311-1707 |

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.
