

**Section I**  
**Notice of Development of Proposed Rules  
 and Negotiated Rulemaking**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NO.:**       **RULE TITLE:**  
 62-42.300       Minimum Flows and Levels and Recovery  
                     and Prevention Strategies

**PURPOSE AND EFFECT:** This rule is being established pursuant to s. 373.042 and 373.0421, F.S. The rulemaking is for minimum flows and levels for the upper and middle reaches of the Suwannee River and their associated priority springs, including four Outstanding Florida Springs. This will have the potential to impact consumptive use applicants and permittees within the Suwannee River and St. Johns River Water Management Districts.

**SUBJECT AREA TO BE ADDRESSED:** The rulemaking will address the minimum flows and levels for the upper and middle reaches of the Suwannee River, and their associated priority springs, including four Outstanding Florida Springs. The rule will also establish prevention or recovery strategies, if applicable, as required by s. 373.0421, F.S.

**RULEMAKING AUTHORITY:** 373.026(7), 373.036(1)(d), 373.042, 373.0421, 373.043, 373.171, F.S.

**LAW IMPLEMENTED:** 373.023, 373.026, 373.036(1)(d), 373.042, 373.0421, 373.086, 373.103, 373.171, 373.175, 373.223, 373.246, 373.250, 373.418, 373.451, 373.453, 373.703, 403.064, F.S.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Adrienne Pennington, [Adrienne.Pennington@FloridaDEP.gov](mailto:Adrienne.Pennington@FloridaDEP.gov) or (850)245-2188.

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

**Section II**  
**Proposed Rules**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Office of the Secretary**

**RULE NOS.:**   **RULE TITLES:**  
 62S-8.001       Purpose  
 62S-8.002       Definitions  
 62S-8.003       Project Scoring Criteria

**PURPOSE AND EFFECT:** The Department has proposed new Chapter 62S-8, F.A.C., pursuant to Section 380.093, F.S., to establish project scoring criteria that shall be used in the Department’s evaluation and ranking of implementation project grant proposals submitted for inclusion in the Resilient Florida Grant Program’s Statewide Flooding and Sea Level Rise Resilience Plan, which the Department must submit to the Legislature annually for specific funding determinations.

**SUMMARY:** This proposed rule chapter implements Section 380.093, F.S., as required by paragraph 380.093(5)(j), F.S. The Department has met this statutory rulemaking mandate by establishing certain criteria it will use to score and rank eligible resiliency projects proposed for inclusion in the Statewide Flooding and Sea Level Risk Resilience Plan. The proposed rule chapter also establishes its purpose and defines certain terms used within.

**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: No SERC is required because information known to the Agency regarding the voluntary nature and zero regulatory costs of the project scoring criteria established in the rule chapter, which is based on the expertise and experience of agency staff.

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:** 380.093, F.S.

**LAW IMPLEMENTED:** 380.093, F.S.

**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: July 19, 2022, 1:00 p.m. until no later than 2:30 p.m. EDT

PLACE: Marjory Stoneman Douglas Building, Room 137A, 3900 Commonwealth Blvd., Tallahassee, Florida 32399. The public may attend this hearing, if requested, in person or via webinar. The public may attend via webinar here: [floridadep.gov/RuleHearing62S-8](http://floridadep.gov/RuleHearing62S-8). Due to technical limitations, virtual participation is limited to 500 participants. 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: Krista Shipley, Planning Consultant, (850)245-8378, [Krista.Shipley@FloridaDEP.gov](mailto:Krista.Shipley@FloridaDEP.gov), Florida Department of Environmental Protection, Office of Coastal Resilience and Protection, Resilient Florida Program, 2600 Blair Stone Road, Tallahassee, FL 32399. 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: Krista Shipley, Planning Consultant, Resilient Florida Program, (850)245-8378, [Krista.Shipley@FloridaDEP.gov](mailto:Krista.Shipley@FloridaDEP.gov), Florida Department of Environmental Protection, Office of Coastal Resilience and Protection, 2600 Blair Stone Road, Tallahassee, FL 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

62S-8.001 Purpose.

(1) The purpose of Chapter 62S-8, F.A.C., is to establish project scoring criteria that, pursuant to Section 380.093, F.S., shall be used in the Department's evaluation and ranking of implementation project grant proposals submitted for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

(2) The Department encourages the electronic submittal of application materials through the application portal available online here: <https://fddep.force.com/grants/s/>. Alternatively, application materials can be submitted in paper form to the Resilient Florida Grant Program at: 2600 North Blair Stone Road, MS #235, Tallahassee, Florida 32399.

Rulemaking Authority 380.093, FS. Law Implemented 380.093 FS. History- New - -2022.

62S-8.002 Definitions.

(1) "Adaptation plan" means a plan that develops goals, priorities, strategies, and actions to best minimize impacts of flooding, sea level rise, or other threats and vulnerabilities, as applicable, and establishes a process to implement those actions.

(2) "Compound flooding" is flooding caused by complex interactions between two or more oceanographic, hydrological, or meteorological processes such as the combination of pluvial (rainfall-induced flooding, such as flash, surface water, drain, and sewer floods), fluvial (riverine floods), coastal (sea level rise, tides, waves, storm surge, and nuisance floods), or groundwater flooding.

(3) "Comprehensive statewide flood vulnerability and sea level rise assessment" is an assessment the Department is required to develop under paragraph 380.093(4)(b), F.S., and which must be completed by the same on or before July 1, 2024, and updated every five years, that identifies inland and coastal infrastructure, geographic areas, and communities in Florida that are vulnerable to flooding and sea level rise and the associated risks.

(4) "Comprehensive vulnerability assessment" is an evaluation that identifies risks to a community, including flooding and sea level rise, as applicable; meets all the required statutory elements for vulnerability assessments listed in paragraphs 380.093(3)(c) through (d), F.S.; and includes, but is not limited to, any supplemental plans, assessments, documents, reports, strategies, maps, or electronic databases that identify or address risks of flooding and sea level rise to critical or regionally significant assets.

(5) "Critical asset class" means the distinct groupings of critical assets as defined in subparagraphs 380.093(2)(a)1. through 4., F.S.

(6) "Department" means the Florida Department of Environmental Protection.

(7) "Eligible entity" means those entities specifically identified in paragraph 380.093(5)(d), F.S., as eligible to submit proposed projects for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

(8) "Financially disadvantaged small community" is as defined in paragraph 380.093(5)(e), F.S.

(9) "Flooding" means a condition of partial or complete inundation caused by a naturally occurring event.

(10) "Natural system restoration" is a process that creates, improves, or restores ecological functions in the environment.

(11) "Nature-based solutions" are actions that rely upon natural processes to protect, restore, and sustainably manage ecosystems, as well as solutions that address socio-environmental challenges using natural resources and processes.

(12) "Partial design" means a preliminary design that is more than 30 percent complete but not yet final and prepared by a qualified professional in the relevant field, which provides enough information and design criteria for the qualified professional to make informed decisions, such as identifying impacts, benefits, costs, and other challenges with project implementation.

(13) "Project impact area" means the discrete area the project encompasses as well as the delineated area that will be directly benefitted by a mitigation project (such as a watershed or hydrologic basin for flooding mitigation projects, a service or sub-service area for a utility, a neighborhood, a natural area, or a shoreline).

Rulemaking Authority 380.093, FS. Law Implemented 380.093 FS. History- New - -2022.

#### 62S-8.003 Project Scoring Criteria.

(1) All projects eligible for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan by meeting the requirements in subsection 380.093(3), F.S., will be reviewed by the Department. Each eligible project will be allocated points based on the tiered structure outlined in this rule and consistent with paragraph 380.093(5)(h), F.S. Total points awarded will determine the project rank. If an applicant fails to demonstrate it meets a specific scoring criteria by failing to satisfy all relevant requirements for that criteria set forth in this rule, that criteria will receive a score of zero.

(2) The maximum number of points that may be awarded for Tier 1 criteria is 40 points.

(a) Up to 10 points will be awarded for the degree to which the project addresses the risks posed by flooding and sea level rise. These points will be allocated in the following manner:

1. Five points will be awarded if the project addresses risks posed by flooding or sea level rise either specifically identified in an existing comprehensive vulnerability assessment that shall be submitted to the Department with the proposal, or in the comprehensive statewide flood vulnerability and sea level rise assessment, once available. Prior to December 1, 2023, applicants without a comprehensive vulnerability assessment shall receive points based on risks posed by flooding or sea level rise identified in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise; and

2. Five points will be awarded if the project addresses risks posed by compound flooding either specifically identified in an existing comprehensive vulnerability assessment that shall be submitted to the Department with the proposal, or in the comprehensive statewide flood vulnerability and sea level rise assessment, once available. Prior to December 1, 2023, applicants without a comprehensive vulnerability assessment shall receive points based on risks posed by flooding or sea level rise identified in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise.

(b) Ten points will be awarded if the project reduces one or more risks to a regionally significant asset, as defined in paragraph 380.093(2)(d), F.S., or if the project adapts a regionally significant asset to help avoid such risk. For the

purpose of this paragraph, adaptation of a regionally significant asset to avoid risk may include relocation of the asset outside the area(s) of flooding risk.

(c) Up to 10 points will be awarded for reducing risk located in areas with a higher percentage of vulnerable critical assets. For the purpose of this paragraph, a vulnerable critical asset is a critical asset identified in a comprehensive vulnerability assessment as having one or more risks due to flooding or sea level rise. Higher frequency storm events analyzed that are beyond the requirements of paragraph 380.093(3)(d), F.S., shall not be used to establish the percentages in these criteria. Prior to December 1, 2023, for applicants without a comprehensive vulnerability assessment, a vulnerable critical asset is a critical asset identified as having one or more risks due to flooding or sea level rise in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise. The proposal must include the percentage of vulnerable critical assets in the project impact area. Points will be allocated in the following manner:

1. Zero points will be awarded if no vulnerable critical assets are within the project impact area;

2. Two points will be awarded if at least one critical asset but less than twenty percent (20%) of total critical assets within the project impact area are vulnerable critical assets;

3. Four points will be awarded if twenty percent (20%) or more, but less than forty percent (40%), of total critical assets within the project impact area are vulnerable critical assets;

4. Six points will be awarded if forty percent (40%) or more, but less than sixty percent (60%), of total critical assets within the project impact area are vulnerable critical assets;

5. Eight points will be awarded if sixty percent (60%) or more, but less than eighty percent (80%), of total critical assets within the project impact area are vulnerable critical assets; or

6. Ten points will be awarded if more than eighty percent (80%) of total critical assets within the project impact area are vulnerable critical assets.

(d) Up to 10 points will be awarded for contributing to existing flooding mitigation projects that reduce upland flood damage costs in one of the ways identified below. Points will be allocated in the following manner:

1. Six points will be awarded if the project contributes by incorporating new or enhanced structures that are necessary for the critical asset to perform its intended function;

2. Six points will be awarded if the project contributes by incorporating natural system restoration and revegetation; or

3. 10 points will be awarded if the project contributes by incorporating both new or enhanced structures that are necessary for the critical asset to perform its intended function and natural system restoration and revegetation.

(3) The maximum number of points that may be awarded for Tier 2 criteria is 30 points.

(a) Up to 7.5 points will be awarded based on the degree to which flooding and erosion currently affect the condition of the project impact area. Justification for methods used to estimate or determine extent and frequency of flooding or erosion must be provided. Points will be allocated in the following manner:

1. Up to 3.75 points will be awarded based on the current frequency of flooding or erosion in the project impact area. Points will be allocated in the following manner:

a. Zero points will be awarded if the proposal does not demonstrate the current frequency of flooding or erosion in the project impact area;

b. Two points will be awarded if the proposal describes how the project impact area has experienced flooding or erosion in the last three years; or

c. A total of 3.75 points will be awarded if the applicant provides documentation to the Department showing the project impact area has been flooded more than three times within the last five years or is experiencing ongoing erosion. Documentation may include reports of flooding or erosion recorded by the jurisdiction(s) in which the project impact area is located, local news reports or source(s), documentation by a local official such as recorded high-water marks or inspection results, or any other similar document or report.

2. Up to 3.75 points will be awarded based on the severity of flooding or erosion in the project impact area. Points will be allocated in the following manner:

a. Zero points will be awarded if the proposal does not demonstrate the current extent of flooding or erosion in the project impact area;

b. Two points will be awarded if the proposal describes how the project impact area experienced flooding estimated greater than three inches in the last three years or has ever experienced unmitigated erosion; or

c. A total of 3.75 points will be awarded if the applicant provides documentation to the Department showing the project impact area has been flooded to an estimated depth greater than one foot within the last five years, has been estimated to be inundated more than three inches but less than one foot at least one time in the current year and in each of the most recent three calendar years, has had at least one instance of sustained flooding for a duration of seven or more consecutive days, or is experiencing erosion that the applicant demonstrates is critical erosion for the critical asset class. Documentation may include reports of flooding or erosion recorded by the jurisdiction(s) in which the project impact area is located, local news reports or source(s), photographs, documentation by a local official such as recorded high-water marks or inspection results, or any other similar document or report.

(b) Up to 7.5 points will be awarded for readiness of the project to proceed in a timely manner, as defined by subparagraphs 62S-8.003(3)(b)1. through 3., F.A.C., below.

1. Up to 3.75 points will be awarded based on the status of project design. Points will be allocated in the following manner:

a. Zero points will be awarded if no design documentation is provided;

b. One point will be awarded if a partial design or other site-specific environmental or geotechnical report that demonstrates the furtherance of a readiness to proceed is submitted; or

c. 3.75 points will be awarded if final drawings or plans that are properly certified (e.g., engineer's certification, signed and sealed by registered professional, etc.) by a professional in the relevant field are submitted.

2. Up to 2.75 points will be awarded based on the project's permitting status and the status of any needed easements. Points will be allocated in the following manner:

a. One point will be awarded for providing a list of all permits and easements necessary for completion of the project, if applicable;

b. A total of 1.5 points will be awarded if proof of application for necessary permits or approval from at least one authority having legal jurisdiction over such permitting is submitted with the proposed project; or

c. A total of 2.75 points will be awarded if all necessary permit(s) and easement(s) have been authorized or obtained or if permitting or easement(s) are not required.

3. One point will be awarded if local funding sources are committed as cost share or if the community is a financially disadvantaged small community. Available cost share can be demonstrated by relevant documentation, including an approved and adopted capital improvement plan, a signed letter from the Chief Executive Officer (or equivalent) of the eligible entity, a resolution or agenda item to be presented to the governing board committing funding to the project if selected, or any other comparable document showing availability of funds.

(c) Up to 7.5 points will be awarded for environmental habitat enhancement or nature-based solutions for resilience.

1. A total of 3.75 points will be awarded if the project enhances environmental habitat or includes nature-based solutions; and

2. A total of 3.75 points will be awarded if the project impact area extends into an area that is identified as a state or federal critical habitat for threatened or endangered species at the time the proposal is submitted to the Department.

(d) A total of 7.5 points will be awarded if a statement is provided to the Department with the proposal that demonstrates the project is cost-effective. The basis for cost-effectiveness shall be provided by the applicant within the submitted

statement. For the purpose of this paragraph, the statement demonstrating cost-effectiveness must include identification of any adverse impacts to other critical assets within the project impact area and address one or more of the following:

1. A comparison of contingencies and the estimated total project cost;

2. Costs of alternative approaches or explanation of why there are no feasible alternative approaches;

3. Avoided economic loss due to failure or inability to operate due to flooding or sea level rise, the project costs compared to costs to repair damage from flooding or erosion, or other reasonably foreseeable losses using industry standard economic models;

4. Future costs and benefits calculated using the relevant discount rate, net present value, or other metrics measuring future costs and benefits to support the proposal; or

5. The direct and indirect economic value of ecosystem services provided by natural or nature-based solutions.

(4) The maximum number of points that may be awarded for Tier 3 criteria is 20 points.

(a) Up to 6.5 points will be awarded for available local, state, or federal cost share. Points will be allocated in the following manner:

1. Zero points will be awarded if the proposal does not demonstrate that a source for the required 50% cost share has been specifically identified unless the community is a financially disadvantaged small community; or

2. A total of 3.25 points will be awarded if the project proposal includes specifically identified local, state, or federal cost share, but the funds have not been appropriated or released at the time the proposal is submitted to the Department; or

3. A total of 6.5 points will be awarded if the project proposal provides documentation that 50% cost share is available or if the community is a financially disadvantaged small community. Available cost share can be demonstrated by providing an approved and adopted capital improvement plan, a letter from the Chief Executive Officer (or equivalent) of the eligible entity committing funding, a resolution from the governing board committing funding to the project if selected, or any other similar document showing availability of funds.

(b) A total of 6.5 points will be awarded if verification of state funding previously awarded to the project is provided to the Department with the proposal. Verification must include previously funded phases, amount of prior state funding, and previous partial appropriations, and must be submitted in a format that is verifiable by the agency or agencies having awarded the previous funding. For the purposes of this paragraph, Department grants to a county or municipality to fund the costs of community resilience planning and necessary data collection for such planning will not be considered state

funding previously awarded to the project. Points will be allocated in the following manner:

1. One point will be awarded if the applicant provides verification of previous state funding awarded for preconstruction activities, as defined in paragraph 380.093(2)(c), F.S., except for those preconstruction activities involving the design of or permitting for the project;

2. 1.5 points will be awarded if the applicant provides verification of previous state funding awarded for design of the project;

3. 1.5 points will be awarded if the applicant provides verification of previous state funding awarded for permitting for the project; and

4. 2.5 points will be awarded if the applicant provides verification of state funding awarded for earlier phases of the project's total construction.

(c) Seven points will be awarded if the proposal demonstrates exceedance of the flood-resistant requirements in the Florida Building Codes Act, as adopted by the State of Florida pursuant to Part IV, Chapter 553, F.S., and administered by the Florida Department of Business and Professional Regulation as the Florida Building Code, or local floodplain management regulations; or if the proposal states that no Florida Building Code flood-resistant requirements or local floodplain management regulations apply to the project.

(5) The maximum number of points that may be awarded for Tier 4 criteria is 10 points.

(a) Five points will be awarded if the project includes innovative technologies designed to reduce project costs and provide regional collaboration. For the purpose of this paragraph, innovative means an emerging technology or a proven technology that is being used in a unique way to adapt one or more critical assets to the effects of flooding or sea level rise in the project impact area. The proposal must demonstrate which specific technologies will be used and explain why they are innovative as well as how they will reduce cost and provide regional collaboration; and

(b) Five points will be awarded if the proposal demonstrates that the project impact area of the proposed project is wholly or partially located in a financially disadvantaged community.

Rulemaking Authority 380.093, FS. Law Implemented 380.093 FS, Ch. 2022-89, Laws of Florida. History- New - -2022.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Adam Blalock

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 17, 2022

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NOS.: RULE TITLES:

64D-4.002 Definitions

64D-4.003 Eligibility and Documentation Requirements

**PURPOSE AND EFFECT:** The proposed rule amendments update and add definitions used in the HIV/AIDS patient care programs, including updating the referenced federal poverty income guidelines and the county median income limits used to define “low income” for clients applying for HIV/AIDS patient care programs and clarifies the definitions of “household size” and “household income.” This rule change also allows Ryan White HIV/AIDS Program Part B providers to accept a notice of eligibility from a Ryan White HIV/AIDS Program Part A provider as documentation of a client meeting certain eligibility requirements to receive Part B services.

**SUMMARY:** The rule proposal updates the incorporated federal poverty level guidelines, and the county income limits which are used to determine eligibility HIV/AIDS patient care programs. This information is updated annually by the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development, making revision to this rule necessary. It also updates definitions for household income and size and adds a definition for notice of eligibility. The rule proposal also updates eligibility requirements for Florida’s Ryan White Part B HIV/AIDS programs.

**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:

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:** 381.0011(2), 381.003(2), FS  
**LAW IMPLEMENTED:** 381.011, 381.003(1)(b), 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: Amber Pepe at Amber.Pepe@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

**64D-4.002 Definitions.**

For the purpose of this chapter, the words and phrases below are defined as follows:

(1) No change.

(2) “Federal Poverty Level” – the poverty income guidelines (effective January ~~2022~~ 2024) as published by the U.S. Department of Health and Human Services, which is incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<https://www.flrules.org/Gateway/reference.asp?No=Ref-12883>.

(3) “Household Income” – income from all sources received by the applicant, the applicant’s spouse (if married), anyone who lives with the applicant who the applicant can claim as a dependent on their taxes, and anyone who lives with the applicant and claims the applicant as a dependent on their taxes and other adult persons living in the home, if they are included in the household size as defined in subsection (4), below.

(4) “Household Size” – the number of persons in an applicant’s household, which includes the applicant, the applicant’s spouse (if married), all persons the applicant could claim as dependents on their taxes, and anyone living with the applicant who could claim the applicant as a dependent on their taxes, whose income is counted for purposes of determining the Federal Poverty Level. The number counted in household size includes the applicant, the applicant’s spouse (if married), and any adults who live with the applicant and:

~~(a) Claim the applicant as a dependent on a tax return, or~~

~~(b) Have legal custody of the applicant.~~

(5) No change.

(6) “Low Income” – adjusted gross household income at or below 400 percent of the Federal Poverty Level. For HOPWA, low income means 80 percent of a county’s median income, as defined by the U.S. Department of Housing and Urban Development, effective ~~April 18, 2022~~ April 1, 2020, which is incorporated by reference and is available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

<https://www.flrules.org/Gateway/reference.asp?No=Ref-12884>.

(7) “Notice of Eligibility” – a document issued by the department, a Ryan White Part A program, or a contractor or subcontractor of either entity, that indicates an applicant/client meets the eligibility requirements to receive allowable Ryan White services, as stated in Rule 64D-4.003, and that lists, at a minimum, the applicant’s/client’s name, address, household size and income, which must meet the definition of low income.  
 Rulemaking Authority 381.0011(2), 381.003(2) FS. Law Implemented 381.0011, 381.003(1)(b) FS. History–New 1-23-07, Amended 8-31-07, 3-21-08, 10-27-08, 3-30-09, 7-4-16,\_\_\_\_.

**64D-4.003 Eligibility and Documentation Requirements.**

Only an individual seeking assistance, or their court-appointed representative, legal representative, or legal guardian seeking assistance on their behalf, may apply for services.

An applicant for HIV/AIDS patient care programs is eligible to be linked to services based on a preliminary positive HIV test result from a test approved by the Food and Drug Administration to determine the presence of HIV infection. For this rule, linkage to service is defined as referring the applicant to eligibility determination and counseling services and the scheduling of medical appointments. To receive services from an HIV/AIDS patient care program an applicant:

(1) through (5) No change

~~(6) Must not be currently institutionalized in a prison, jail, or other entity that is legally required to provide medical care and prescription medications.~~

~~(6)(7) Must have their eligibility confirmed recertified every 366 days six month or at shorter intervals if the client’s income or other factors change before the six month period. The client must report any changes in his/her situation which impacts his/her eligibility status to the eligibility staff no later than 10 days after it is known.~~

The above items can be satisfied by providing a current Notice of Eligibility from a Ryan White Part A program.

Rulemaking Authority 381.0011(2), 381.003(2) FS. Law Implemented 381.0011, 381.003(1)(b) FS. History–New 1-23-07, Amended 10-27-08, 7-4-16,\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Brandi Knight, HIV/AIDS Section Administrator

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Joseph A. Ladapo, MD, PhD, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 18, 2021

**Section III  
 Notice of Changes, Corrections and  
 Withdrawals**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Energy**

RULE NOS.: RULE TITLES:

5O-5.001 Definitions

5O-5.003 Renewable Energy Data Reporting  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 48 No. 78, April 21, 2022 issue of the Florida Administrative Register.

**5O-5.001 Definitions**

For the purposes of this rule chapter, the definitions in section 377.602, F.S., and the following shall apply:

(1) “Department” means the Florida Department of Agriculture and Consumer Services

(2) “Electric Utility” shall have the same meaning as defined in Rule 25-22.070, F.A.C., effective 11/10/1997, hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The incorporated material is also available from the Department at 407 South Calhoun Street, Tallahassee, FL 32399.

(3) “Renewable Energy” shall have the same meaning as defined in Section 366.91, F.S.

Rulemaking Authority 377.603(3), 570.07(23), FS. Law Implemented 377.603, 377.703, FS. History–New\_\_\_\_.

**5O-5.003 Renewable Energy Data Reporting**

(1) Pursuant to ss. 377.603 and 377.604, F.S., no later than the first Wednesday of May each year, each Electric Utility subject to the filing requirements of Rule 25-22.071(1), F.A.C. shall submit to the Department its 10-year site plan, prepared pursuant to section 186.801, F.S., and submitted to the Public Service Commission. The plan shall be submitted to the department via email to Energy@FDACS.gov. Rule 25-22.071, effective 11/10/1997, is hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The incorporated material is also available from the Department at 407 South Calhoun Street, Tallahassee, FL 32399.

(2) No change.

(3) Willful f~~Failure~~ to submit the 10-year site plan to the Department is a violation of Section 377.607, F.S.

Rulemaking Authority 377.603(3), 570.07(23) FS. Law Implemented 377.603, 377.604, ~~377.606~~, 377.607, FS. History–New\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-13.005  
 RULE TITLE: Disciplinary Guidelines  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 47 No. 188, September 28, 2021 issue of the Florida Administrative Register.

A Notice of Change was published in Vol. 48, No. 67, of the April 6, 2022, issue of the Florida Administrative Register. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the board at a public meeting held May 20, 2022. The changes are as follows:

**Substantial rewording for Rule 64B5-13.005 follows. See Florida Administrative Code for present text.**

64B5-13.005 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, certificate holder, or telehealth registrant whom it regulates under chapter 466, F.S., has committed any of the acts set forth in section 456.072(1), 466.028, or 456.47, F.S., it shall issue a final order imposing appropriate penalties as recommended in these disciplinary guidelines. For any violation found that is for fraud or making a false or fraudulent representation, the Board will impose a fine of \$10,000.00 per count or offense. The use of terms to describe the offenses herein within the individual guidelines is intended to be only a generally descriptive use of the terms. For an accurate description of the actual offenses, the reader should refer to the statutory disciplinary provisions. The maximum penalties set forth in any individual offense guideline include all of the less severe penalties that would fall in between the maximum and the minimum penalties stated. For telehealth registrants, a suspension may be accompanied by a corrective action plan that addresses the conduct which resulted in the underlying disciplinary violations. The Board may require a corrective action plan be completed prior to reinstatement of the suspended registration or the corrective action plan may follow a suspension for a definite term.

VIOLATION	PENALTY RANGE			
	MINIMUM	MAXIMUM	TELEHEALTH REGISTRANT MINIMUM	TELEHEALTH REGISTRANT MAXIMUM
(a) Attempting to obtain, obtaining or renewing a license by bribery, fraudulent misrepresentations or error of the Board. (Sections 466.028(1)(a), 456.072(1)(b), F.S.)				
1. Obtain license by bribery.				

First Offense	\$500 fine and two (2) years' probation or application denial, \$500 fine and referral to State Attorney's office if not licensed.	\$5,000 fine and one (1) year suspension.	Denial of Application.	Revocation or Denial of Application.
Second Offense	\$10,000 fine and one (1) year suspension or application denial, \$10,000 fine and referral to State Attorney's office if not licensed.	\$10,000 fine and Permanent Revocation.		
2. Obtain license by fraudulent misrepresentations.				
First Offense	Denial, \$500 fine and referral to State Attorney's office if not licensed.	Denial/or five (5) year suspension, \$10,000 fine and referral to State Attorney's office if not licensed.	Denial of Application.	Revocation or Denial of Application.
Second Offense	Probation with conditions and \$500 fine.	\$10,000 fine and revocation or permanent denial.	Revocation or Denial.	Revocation or Denial.
(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. (Sections 466.028(1)(b), 456.072(1)(f), F.S.)				
First Offense	\$1,000 fine.	Suspension/denial until the license is unencumbered and active in the jurisdiction in which the disciplinary action was originally taken, up to five years, followed by probation and \$5,000 fine.	Letter of Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Imposition of discipline which would have been imposed if the substantive violation occurred in Florida. Probation and \$1,000 fine.	Suspension until the license is unencumbered in the jurisdiction in which disciplinary action was taken, followed by five (5) years' probation and \$10,000 fine.	One (1) month suspension.	Three (3) year Suspension.
Third Offense	One year suspension followed by probation and \$5,000 fine.	Revocation and permanent denial and \$10,000 fine.	One (1) year suspension.	Revocation.
(c) Guilty of a crime directly relating to practice or ability to practice. (Sections 466.028(1)(c), 456.072(1)(c), F.S.)				

First Offense	\$1,000 fine.	Denial or 2 years suspension followed by 2 years probation with conditions and \$5,000 fine.	One (1) month Suspension.	Three (3) year Suspension or Denial of Application.
Second Offense	One year suspension followed by probation and \$2,500 fine.	Denial or five (5) year suspension followed by probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	Five (5) year suspension followed by probation and \$7,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form. (Section 466.028(1)(d), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	One (1) month Suspension.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$3,000 fine.	One (1) year suspension followed by two (2) years probation with conditions and \$8,000 fine.	Six (6) month Suspension.	Eighteen (18) month Suspension.
Third Offense	Two (2) years probation with conditions and \$5,000 fine.	Revocation and permanent denial and \$10,000 fine.	One (1) year Suspension.	Revocation.
(e) Advertising, practicing, or attempting to practice under a name other than one's own. (Section 466.028(1)(e), F.S.)				
First Offense	\$1,000 fine.	One (1) year suspension and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$3,000 fine.	Two (2) years suspension followed by two (2) years probation and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	Two (2) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(f) Failing to report any person in violation of this chapter or of the rules of the department or the board. (Sections 466.028(1)(f), 456.072(1)(g), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$1,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$1,000 fine.	Six (6) months suspension, one (1) year probation with conditions and \$3,000 fine.	Six (6) months Suspension.	One (1) year Suspension.
Third Offense	One (1) year probation with conditions and \$3,000 fine.	One (1) year suspension, one (1) year probation with conditions and \$5,000 fine.	One (1) year Suspension.	Revocation.
(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene. (Sections 466.028(1)(g), 456.072(1)(g), F.S.)				

First Offense	\$1,000 fine.	Six (6) months suspension followed by one (1) year probation with conditions and \$5,000 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	1 year suspension followed by (2) years probation with conditions and \$5,000 fine.	2 years suspension followed by two (2) years probation with conditions and \$8,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	2 years suspension followed by 2 years probation with conditions and \$10,000 fine.	Denial/revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(h) Being employed by any corporation, organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists to practice dentistry. (Section 466.028(1)(h), F.S.)				
First Offense	\$1,000 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	1 year probation with conditions, reprimand and \$3,000 fine.	One (1) year suspension followed by one (1) year probation with conditions and \$8,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	1 year suspension, reprimand and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(i) Failing to perform any statutory or legal obligation placed upon a licensee. (Sections 466.028(1)(i), 456.072(1)(k), F.S.)				
First Offense	\$500 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	1 year probation with conditions and \$2,000 fine.	Two (2) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	2 years probation with conditions and \$5,000 fine.	One (1) year suspension and \$10,000 fine.	One (1) year Suspension.	Revocation.
(j) Making or filing a false report, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing. (Sections 466.028(1)(j), 456.072(1)(l), F.S.)				
First Offense	\$1,000 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	1 year probation with conditions and \$2,500 fine.	One (1) year suspension followed by one (1) year probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	2 years probation with	Denial/revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.

	conditions and \$5,000 fine.			
(k) Sexual battery, as defined in chapter 794, F.S., upon a patient. (Section 466.028(1)(k), F.S.)				
First Offense	Revocation.	Revocation.	Denial or Revocation.	Denial or Revocation.
Second or Subsequent Offense	Revocation and \$10,000 fine.	Revocation and \$10,000 fine.	Denial or Revocation.	Denial or Revocation.
(l) Making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry. (Sections 466.028(1)(l), 456.072(1)(a), F.S.)				
First Offense	\$1,000 fine.	Six (6) months probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	1 year probation with conditions and \$2,000 fine.	Six (6) months suspension and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	2 years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(m) Failing to keep written records and history justifying the course of treatment of the patient. (Section 466.028(1)(m), F.S.)				
First Offense	\$2,500 fine.	Two (2) years probation with conditions and \$7,500 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$5,000 fine.	One (1) year suspension and \$10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	Five (5) years probation with conditions and \$7,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(n) Failing to make available to a patient or client, copies of documents which relate to the patient or client. (Section 466.028(1)(n), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$1,000 fine.	Two (2) years probation with conditions and \$5,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	\$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(o) Performing professional services which have not been authorized by the patient or client. (Section 466.028(1)(o), F.S.)				
First Offense	\$1,000 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Probation with conditions and \$2,500 fine.	One (1) year suspension and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.

Third Offense	Probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(p) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug or controlled substance, other than in the course of the professional practice of the dentist. (Section 466.028(1)(p), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$2,500 fine.	One (1) year suspension and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Suspension followed by probation and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(q) Prescribing any medicinal drug scheduled in chapter 893, F.S., to herself or himself. (Section 466.028(1)(q), F.S.)				
First Offense	\$500 fine and PRN referral.	One (1) year suspension followed by probation with conditions, including PRN referral and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions, PRN referral, and \$2,500 fine.	One (1) year suspension and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year suspension followed by probation, including PRN referral and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(r) Prescribing any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug, pursuant to chapter 893, F.S. (Section 466.028(1)(r), F.S.)				
First Offense	\$1,000 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$2,500 fine.	One (1) year suspension followed by two (2) years probation and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	Three (3) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(s) Being unable to practice her or his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.				

(Sections 466.028(1)(s), 456.072(1)(z), F.S.)				
First Offense	Denial or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety, followed by probation with conditions and up to \$5,000 fine.		Denial of Application or Suspension until demonstration of ability to practice with reasonable skill and safety.	Two (2) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.
Second Offense	Denial or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety, followed by probation with conditions and up to \$5,000 fine.	Suspension followed by probation and \$10,000 fine.	Two (2) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.	Revocation.
Third Offense	Denial or suspension until licensee petitions the Board and demonstrates ability to practice with reasonable skill and safety, followed by probation with conditions and up to \$10,000 fine.	Revocation and \$10,000 fine.	Five (5) year suspension, demonstration of ability to practice with reasonable skill and safety as condition of reinstatement.	Revocation.
(t) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene. (Section 466.028(1)(t), F.S.)				
First Offense	\$2,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$8,000 fine.	One (1) year suspension followed by two (2) years probation and \$10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Two (2) years probation with conditions and \$10,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(u) Failure to provide and maintain reasonable sanitary facilities and conditions. (Section 466.028(1)(u), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	One (1) year probation with conditions and \$3,000 fine.	One (1) year suspension, followed by two (2) years probation with conditions and \$7,500 fine.	Not Applicable to Telehealth Registrants.	

Third Offense	One (1) year probation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
(v) Failure to provide adequate radiation safeguards. (Section 466.028(1)(v), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	One (1) year probation with conditions and \$3,000 fine.	One (1) year suspension followed by probation and \$7,500 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	Two (2) years probation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
(w) Performing any procedure which would constitute experimentation on human subjects, without first obtaining full, informed, and written consent. (Section 466.028(1)(w), F.S.)				
First Offense	\$1,000 fine.	Probation with conditions and \$3,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Probation with conditions and \$3,500 fine.	Suspension followed by probation and \$10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Suspension followed by probation and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(x) Being guilty of incompetence or negligence, including, but not limited to, being guilty of dental malpractice. (Section 466.028(1)(x), F.S.)				
First Offense	\$2,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$5,000 fine.	One (1) year suspension and \$10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	Two (2) years probation and \$7,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(y) Practicing beyond the scope that she or he is competent to perform. (Sections 466.028(1)(y), 456.072(1)(o), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$2,500 fine.	One (1) year suspension followed by one (1) year probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(z) Delegating or contracting for professional responsibilities to a person who is not				

qualified to perform them. (Sections 466.028(1)(z), 456.072(1)(p), F.S.)				
First Offense	\$2,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$5,000 fine.	One (1) year suspension followed by two (2) years probation and \$10,000 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year probation with conditions and \$7,500 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
Any violation of section 466.028(1)(z), F.S., will result in a minimum licensure suspension of six months, in addition to any other penalty authorized for this violation, except where revocation is imposed.				
(aa) The violation of a lawful order of the board, or failure to comply with subpoena of the board or department. (Sections 466.028(1)(aa), 456.072(1)(q), F.S.)				
First Offense	\$5,000 fine.	Suspension until compliant with order or subpoena, probation with conditions and \$10,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$10,000 fine.	Suspension until compliant with order or subpoena followed by probation with conditions and \$10,000 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Revocation and \$10,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(bb) Conspiring with another licensee or with any person to commit an act, which would tend to coerce, intimidate, or preclude another licensee from advertising services. (Section 466.028(1)(bb), F.S.)				
First Offense	\$1,000 fine.	\$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$2,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	One (1) year probation with conditions and \$5,000 fine.	One (1) year suspension followed by two (2) years probation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(cc) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication. (Section 466.028(1)(cc), F.S.)				
First and any subsequent offense.	Suspension until adjudged competent by same court.	Suspension until adjudged competent by same court.	Denial of Application or suspension until adjudged competent by same court.	Denial of Application or suspension until adjudged competent by same court.
(dd) Presigning blank prescription or				

laboratory work order forms. (Section 466.028(1)(dd), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$2,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	One (1) year probation with conditions and \$5,000 fine.	One (1) year suspension followed by two (2) years probation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ee) Prescribing growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. (Section 466.028(1)(ee), F.S.)				
First Offense	\$1,000 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$2,500 fine.	Three (3) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	\$5,000 fine.	One (1) year suspension and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ff) Operating a dental office such as to result in dental treatment that is below minimum acceptable standards of performance for the community. (Section 466.028(1)(ff), F.S.)				
First Offense	\$500 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$2,500 fine.	One (1) year suspension and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Three (3) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(gg) Administering anesthesia in a manner which violates rules of the board. (Section 466.028(1)(gg), F.S.)				
First Offense	\$1,000 fine and Reprimand.	Two (2) years probation with conditions and \$5,000 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	One (1) year probation with conditions and \$2,500 fine.	One (1) year suspension and \$7,500 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	Two (2) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	Not Applicable to Telehealth Registrants.	
(hh) Failing to report any licensee under chapter 458 or 459, F.S., who the dentist knows has violated the grounds for disciplinary action.				

(Section 466.028(1)(hh), F.S.)				
First Offense	\$1,000 fine and Letter of Concern.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$2,500 fine and Reprimand.	\$7,500 fine and two (2) years probation.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	\$5,000 fine and thirty (30) days suspension.	\$10,000 fine and two (2) years suspension.	One (1) year Suspension.	Revocation.
(ii) Failing to report to the board, within 30 days action has been taken against one's license to practice dentistry in another state, territory, or country. (Section 466.028(1)(ii), F.S.)				
First Offense	\$1,000 fine.	\$5,000 fine and denial of application or two (2) years suspension followed by three (3) years probation.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation and \$2,500 fine.	\$7,500 fine and two (2) years suspension or revocation.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year suspension followed by two (2) years probation and \$5,000 fine.	\$10,000 fine and denial of application or revocation.	One (1) year Suspension.	Revocation.
(jj) Advertising specialty services in violation of this chapter. (Section 466.028(1)(jj), F.S.)				
First Offense	\$1,000 fine.	\$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$2,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Two (2) years probation with conditions and \$5,000 fine.	One (1) year suspension followed by two (2) years probation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(kk) Allowing any person to interfere with a dentist's clinical judgment. (Section 466.028(1)(kk), F.S.)				
First Offense	\$1,000 fine.	\$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$2,500 fine.	Two (2) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Two (2) years probation with conditions and \$5,000 fine.	One (1) year suspension and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ll) Violating any provision of Chapters 456 and 466, F.S., or any rules adopted pursuant thereto. (Sections 466.028(1)(mm), 456.072(1)(b), 456.072(1)(dd), F.S.)				

First Offense	\$750 fine.	Six (6) months probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Six (6) months probation with conditions and \$2,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	One (1) year probation with conditions and \$5,000 fine.	One (1) year suspension followed by probation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(mm) Failing to comply with the educational course requirements for HIV. (Section 456.072(1)(e), F.S.)				
First Offense	\$500 fine.	Six (6) months probation with conditions and \$1,500 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	\$1,000 fine.	One (1) year probation with conditions and \$5,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	\$2,500 fine.	Eighteen (18) months probation with conditions and \$7,500 fine.	Not Applicable to Telehealth Registrants.	
(nn) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)				
First Offense	\$1,000 fine.	Six (6) months probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$3,500 fine.	One (1) year probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	One (1) year probation with conditions and \$5,000 fine.	One (1) year suspension and \$10,000 fine.	One (1) year Suspension.	Revocation.
(oo) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)				
First Offense	\$1,000 fine and Letter of Concern.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$2,500 fine.	One (1) year suspension followed by two (2) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Two (2) years probation with conditions and \$5,000 fine.	Five (5) years suspension and \$10,000 fine.	One (1) year Suspension.	Revocation.
(pp) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party. (Section 456.072(1)(n), F.S.)				

First Offense	\$1,000 fine and Letter of Concern.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$2,500 fine.	One (1) year suspension followed by two (2) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year suspension followed by two (2) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(qq) Wrong patient, wrong-site procedure, a wrong procedure, medically unnecessary. (Section 456.072(1)(bb), F.S.)				
First Offense	\$1,000 fine and Letter of Concern.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand or Denial of Application.	One (1) year Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$2,500 fine.	One (1) year suspension followed by two (2) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year suspension followed by two (2) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(rr) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)				
First Offense	\$1,000 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$2,500 fine.	One (1) year suspension followed by probation and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	Five (5) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ss) Failing to comply with the educational course requirements for domestic violence. (Section 456.072(1)(s), F.S.)				
First Offense	\$500 fine.	Probation with conditions and \$2,500 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Probation with conditions and \$1,000 fine.	Probation with conditions and \$4,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	\$2,500 fine.	Probation with conditions and \$8,000 fine.	Not Applicable to Telehealth Registrants.	
(tt) Failing to comply with sections 381.026 and 381.0261, F.S., patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)				

First Offense	\$500 fine.	Probation with conditions and \$2,500 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Probation with conditions and \$1,000 fine.	Probation with conditions and \$4,000 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	\$2,500 fine.	Probation with conditions and \$8,000 fine.	Not Applicable to Telehealth Registrants.	
(uu) Engaging or attempting to engage in sexual misconduct as defined and prohibited in section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)				
First Offense	\$2,500 fine and Reprimand.	One (1) year suspension followed by three (3) years probation with conditions and \$7,500 fine.	One (1) year suspension.	Revocation or Denial of Application.
Second Offense	Three (3) years probation with conditions and \$5,000 fine.	\$10,000 fine and three (3) year suspension followed by five (5) years probation with conditions or revocation.	Revocation.	Revocation.
Third Offense	Five (5) years suspension followed by three (3) years probation with conditions and \$8,000 fine.	Revocation and \$10,000 fine.	Revocation.	Revocation.
(vv) Failing to report to the board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)				
First Offense	\$500 fine.	One (1) year probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	One (1) year probation with conditions and \$2,500 fine.	Two (2) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	One (1) year suspension followed by two (2) years probation with conditions and \$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ww) Using information about people involved in motor vehicle accidents which has been derived from accident reports. (Section 456.072(1)(y), F.S.)				
First Offense	\$500 fine and Letter of Concern.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	\$2,500 fine and Reprimand.	Four (4) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	\$5,000 fine and Reprimand.	One (1) year suspension followed by five (5) years probation and \$10,000 fine.	One (1) year Suspension.	Revocation.

(xx) Leaving a foreign body in a patient. (Section 456.072(1)(cc), F.S.)				
First Offense	\$1,000 fine.	Two (2) years probation with conditions and \$5,000 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Probation with conditions and \$2,500 fine.	Five (5) years probation with conditions and \$7,500 fine.	Not Applicable to Telehealth Registrants.	
Third Offense	Probation with conditions and \$5,000 fine.	\$10,000 fine and two (2) years suspension followed by five (5) years probation with monitoring or revocation.	Not Applicable to Telehealth Registrants.	
(yy) Testing positive for any drug, on any preemployment or employer-ordered drug screening. (Section 456.072(1)(aa), F.S.)				
First Offense	\$500 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	Six (6) month Suspension or Denial of Application.
Second Offense	\$2,500 fine.	Four (4) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	One (1) year Suspension.
Third Offense	\$5,000 fine.	One (1) year suspension followed by five (5) years probation with conditions and \$10,000 fine.	One (1) year Suspension.	Revocation.
(zz) Intentionally submitting a personal injury protection claim required by section 627.736, F.S., statement that has been "upcoded" as defined in section 627.732, F.S. (Section 456.072(1)(ee), F.S.)				
First Offense	\$500 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	\$2,500 fine.	Four (4) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	\$5,000 fine.	One (1) year suspension followed by five (5) years probation with conditions and \$10,000 fine.	One (1) year Suspension.	Revocation.
(aaa) Intentionally submitting a personal injury protection claim required by section 627.736, F.S., for services that were not rendered. (Section 456.072(1)(ff), F.S.)				
First Offense	\$500 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	\$2,500 fine.	Four (4) years probation with conditions and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	\$5,000 fine.	One (1) year suspension followed by five (5) years probation with conditions and \$10,000 fine.	One (1) year Suspension.	Revocation.

		probation with conditions and \$10,000 fine.		
(bbb) Engaging in a pattern of practice of prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients or a violation of sections 893.055 and 893.0551, F.S., or law and rules relating to prescribing practitioners. (Section 456.072(1)(gg), F.S.)				
First Offense	\$1,500 fine.	Two (2) years probation with conditions and \$5,000 fine.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Two (2) years probation with conditions and \$3,000 fine.	One (1) year suspension and \$7,500 fine.	Six (6) month Suspension.	Revocation.
Third Offense	\$5,000 fine.	Revocation and \$10,000 fine.	One (1) year Suspension.	Revocation.
(ccc) Failing to comply with, failing to successfully complete, or being terminated from an impaired practitioner treatment program. (Section 456.072(1)(hh), F.S.)				
First Offense	Suspension, until compliant, followed by 2 years probation with conditions and \$2,000 fine.	Suspension until compliant, followed by 5 years probation with conditions and \$5,000 fine.	Denial of Application or Suspension until Complaint, followed by Corrective Action Plan.	Denial of Application or Suspension until Complaint, followed by Corrective Action Plan.
Second or Subsequent Offense	Three years suspension followed by 5 years probation with conditions and \$10,000 fine.	Revocation and \$10,000 fine.	Revocation and \$10,000 fine.	Revocation.
(ddd) Being convicted of, or entering a plea of nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)				
First Offense	Misdemeanor Reprimand, \$10,000 fine, suspension, Felony Revocation.	Misdemeanor – \$10,000 fine, revocation, Felony – Revocation.	Revocation.	Revocation.
Second Offense	Misdemeanor or Felony – Revocation and \$10,000 fine.	Misdemeanor or Felony – Revocation and \$10,000 fine.	Misdemeanor or Felony – Revocation and \$10,000 fine.	Misdemeanor or Felony – Revocation and \$10,000 fine.
(eee) Failing to remit the sum owed to the state for any overpayment from the Medicaid program pursuant to a final order, judgement, or stipulation or settlement. (Section 456.072(1)(jj), F.S.)				

First Offense	\$2,500 fine, Letter of concern.	\$7,500 fine and one (1) year suspension.	Reprimand and One (1) year Suspension.	Revocation or Denial of Application.
Second Offense	\$7,500 fine, reprimand.	\$10,000 fine, revocation.	Revocation.	Revocation.
(fff) Being terminated from the state Medicaid program pursuant to section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored. (Section 456.072(1)(kk), F.S.)				
First Offense	\$1,000 fine and a Letter of Concern.	\$5,000 fine, one (1) year suspension followed by two (2) years probation.	Reprimand and One (1) year Suspension.	Revocation or Denial of Application.
Second Offense	\$5,000 fine and a reprimand.	\$10,000 fine and two (2) year's suspension followed by three (3) years probation.	Revocation.	Revocation.
Third Offense	\$10,000 fine, five (5) year suspension followed by five (5) years probation.	\$10,000 fine and revocation.	Revocation.	Revocation.
(ggg) Being convicted of, or entering a plea of guilty or nolo contendere, to any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. (Section 456.072(1)(ll), F.S.)				
First Offense	Misdemeanor – \$10,000 fine, reprimand, Felony – Revocation \$10,000 fine.	Misdemeanor – \$10,000 fine, suspension, Felony – Revocation \$10,000 fine.	Reprimand and One (1) year Suspension.	Revocation or Denial of Application.
Second Offense	Misdemeanor or Felony – \$10,000 fine, revocation.	Misdemeanor or Felony – \$10,000 fine, revocation.	Revocation.	Revocation.
(hhh) Failure to comply with the controlled substance prescribing requirements of section 456.44, F.S. (Section 456.072(1)(mm), F.S.)				
First Offense	Suspension of license for a period of six (6) months followed by a period of probation and an administrative fine in the amount of \$10,000.	Revocation and an administrative fine of \$10,000.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Suspension of license for a period of one (1) year followed by probation and an administrative fine in the amount of \$10,000.	Revocation and an administrative fine in the amount of \$10,000.	Six (6) month Suspension.	Revocation.

(iii) Providing false or deceptive expert witness testimony related to the practice of dentistry. (Section 466.028(1)(ll), F.S.)				
First Offense	Reprimand and an administrative fine of \$5,000.	Revocation and an administrative fine of \$10,000.	Reprimand.	One (1) year Suspension or Denial of Application.
Second Offense	Revocation and an administrative fine of \$10,000.	Revocation and an administrative fine of \$10,000.	Six (6) month Suspension.	Revocation.
(jjj) Willfully failing to comply with section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business practice. (Section 456.072(1)(oo), F.S.)				
First Offense	Reprimand and a \$5,000 fine.	Probation with conditions and \$7,500 fine.	Not Applicable to Telehealth Registrants.	
Second Offense	Reprimand; suspension for 6 months followed by probation with conditions; and \$8,000 fine.	\$10,000 fine and revocation.	Not Applicable to Telehealth Registrants.	
(kkk) Failure to comply with the parental consent requirements of s. 1014.06. (Section 456.072(1)(rr), F.S.)				
First Offense	Letter of Concern.	Reprimand and \$500 fine.	Reprimand.	One (1) month suspension.
Second Offense	Reprimand and \$250 fine.	Probation with conditions.	One (1) month suspension.	Six (6) month suspension.
Third or Subsequent Offense	Probation with conditions and \$2,500 fine.	One (1) year suspension and \$5,000 fine.	One (1) year suspension.	Denial or revocation of License.
(lll) Being convicted or found guilty of, entering a plea, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the offenses listed in s. 456.074(5), F.S. or similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.)				
First Offense	Denial or revocation of license.	Denial or revocation of license and \$5,000 fine.	Denial or revocation of license.	Denial or revocation of license.
Second or Subsequent Offense	Denial or revocation of license and \$5,000 fine.	Denial/revocation of license and \$10,000 fine.	Denial or revocation of license.	Denial or revocation of license.

(2) Based upon consideration of aggravating or mitigating factors, present in an individual case, except for explicit statutory maximum and minimum penalty requirements, the Board may deviate from the penalties recommended in subsection (1), above, and subsection (3), below. The Board shall consider as aggravating or mitigating factors the following:

(a) The danger to the public;

(b) The number of specific offenses, other than the offense for which the licensee is being punished;

(c) Prior discipline that has been imposed on the licensee;

(d) The length of time the licensee has practiced;

(e) The actual damage, physical or otherwise, caused by the violation and the reversibility of the damage;

(f) The deterrent effect of the penalty imposed;

(g) The effect of the penalty upon the licensee;

(h) Efforts by the licensee towards rehabilitation;

(i) The actual knowledge of the licensee pertaining to the violation;

(j) Attempts by the licensee to correct or stop the violation or refusal by the licensee to correct or stop the violation; and,

(k) Degree of contrition and acceptance of responsibility by Respondent.

(3) Penalties imposed by the Board pursuant to subsections (1) and (2), above, may be imposed in combination or individually, and are as follows:

(a) Issuance of a reprimand or letter of concern, which may be imposed in any disciplinary case, regardless of whether the penalty is referenced in any individual offense guideline;

(b) Imposition of an administrative fine not to exceed \$10,000.00 for each count or separate offense; for any violation found that is for fraud or making a false or fraudulent representation, the Board will impose a fine of \$10,000.00 per each count or offense, pursuant to section 456.072(2)(d), F.S. Unless stated otherwise in the disciplinary order, any imposed administrative fines are due within 90 days of the effective date of a final order imposing fines;

(c) Restriction of the authorized scope of practice or license. In taking disciplinary action against any person, whether or not the action also involves placing a licensee on probation, or imposing any penalty, the Board may impose restrictions on the practice or the license that include, but are not limited to the following:

1. Requiring remedial education as a requirement of continued practice,

2. Restricting the licensee from practicing in certain settings,

3. Restricting the licensee to work in only certain settings or under designated conditions,

4. Restricting the licensee from performing or providing designated clinical and administrative services,

5. Restricting the licensee from practicing a designated number of hours,

6. Any other restriction found to be necessary for the protection of the public health, safety, and welfare.

(d) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify:

1. Probation Term. Unless otherwise specified above within each individual offense guideline, or unless a lesser

period of time is stated in the order imposing probation, the period of probation will be for a period of five (5) years.

2. Probation Conditions. Probation conditions may include but not be limited to the following and may be imposed regardless of whether the term "conditions" is referenced in an individual offense guideline:

a. Requiring the licensee to attend additional continuing education courses or remedial education,

b. Requiring the licensee to pass an examination on the content and requirements of chapters 456 and 466, F.S., and division 64B5, F.A.C.,

c. Requiring the licensee to work under the supervision of another licensee, including the submission of documents and reports from the supervisor and licensee,

d. Tolling of the running of the probationary period when the licensee ceases to practice in Florida, or fails to maintain compliance with the probation requirements,

e. Compliance with all terms of the order that imposes probation,

f. Evaluation by an impaired practitioners network or program and entering or maintaining compliance with a recommended impaired practitioners program contract,

g. Submitting to a continuing education audit for the next two consecutive biennial licensure renewal periods beginning with the date of the order imposing probation,

h. Corrective action related to the violation, including but not limited to the repayment of any fees billed and collected from a patient or third party on behalf of the patient.

i. The licensee is responsible for all costs associated with compliance with the terms of probation.

(e) Suspension of a license. Unless otherwise specified above within each individual offense guideline, or unless a lesser period of time is stated in the order imposing suspension, the period of suspension will be for a period of three years;

(f) Revocation of a license; which shall be permanent unless specified otherwise in the final order;

(g) Denial of an application for licensure, any violation of a provision of section 456.072(1) or 466.028(1), F.S., may be the basis for denial or issuance of licensure with restrictions or conditions; and,

(h) Costs. The licensee is responsible for payment of all costs of investigation and prosecution related to a disciplinary case. Additionally, all costs related to compliance with an order taking disciplinary action are the obligation of the licensee. Unless stated otherwise in the disciplinary order, any imposed costs are due within 90 days of the effective date of a final order imposing costs.

(4) The provisions of subsections (1) through (3), above, are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by

stipulation, agreed settlement or consent order pursuant to section 120.57(4), F.S.

(5) The provisions of subsections (1) through (4), above, are not intended and shall not be construed to limit the ability of the Board to pursue or recommend the Agency pursue collateral civil or criminal actions when appropriate.

Rulemaking Authority 456.079(1) 456.47(7), FS. Law Implemented 456.072(2), 456.079(1), 456.47(4), 466.028 FS. History—New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06, 12-25-06, 6-11-07, 9-15-10, 12-2-10, 1-24-12, 4-25-17, 11-14-18, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica Sapp, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258; Jessica.Sapp@myflhealth.gov

### Section IV Emergency Rules

NONE

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-10.004 Outdoor Advertising Permit Applications, Criteria, and Permit Issuance

NOTICE IS HEREBY GIVEN that on June 21, 2022, the Florida Department of Transportation, received a petition for a variance from paragraph 14-10.004(7)(d), F.A.C., which directs that no sign permit shall be issued for a sign to be located outside the boundaries of an incorporated municipality and within 500 feet of an interchange, intersection at grade, or rest area on the interstate.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, FDOT.AgencyClerk@dot.state.fl.us.

### Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces a public meeting to which all persons are invited.

DATE AND TIME: An Executive Director Evaluation Committee Meeting will begin at 2:00 p.m. or as soon thereafter on July 8, 2021.

PLACE: Zoom Meeting

<https://zoom.us/j/93493020198?pwd=SzhaSU0vekFrZXBaeHdqT0F2Q0wrdz09>

Meeting ID: 934 9302 0198

Passcode: 3h2cHR

The following conference number will only be activated if the Zoom Video Hearing needs to be terminated.

Phone Meeting

United States Toll-Free: 1-888-585-9008

Conference Room Number: 847-456-389

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Director Evaluation Committee Meeting is held to discuss and determine the evaluation for the Executive Director.

A copy of the agenda may be obtained by contacting: Faith Lenzo at (850) 245-0455.

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: Faith Lenzo at (850) 245-0455. 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: Faith Lenzo at (850) 245-0455.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled Commission Conference, to which all interested persons are invited.

DATE AND TIME: Thursday, July 7, 2022, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S. Persons who may be affected by Commission action on certain items on the Conference agenda may be allowed to address the Commission, either informally

or by oral argument, when those items are taken up for discussion, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C. The Commission Conference Notice, Agenda, related documents, and FPSC contact information are available at [www.floridapsc.com](http://www.floridapsc.com).

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

**EMERGENCY CANCELLATION OF CONFERENCE:** If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission’s website ([www.floridapsc.com](http://www.floridapsc.com)) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces its Internal Affairs Meeting, to which all interested persons are invited.

**DATE AND TIME:** Tuesday, July 12, 2022, 9:30 a.m.

**PLACE:** Room 105, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and make decisions on matters affecting Commission operations. Internal Affairs Agendas and FPSC contact information is available at [www.floridapsc.com](http://www.floridapsc.com).

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

**EMERGENCY CANCELLATION OF MEETING:** If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission’s website ([www.floridapsc.com](http://www.floridapsc.com)) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

**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:** Tuesday, July 12, 2022, 10:00 a.m.

**PLACE:** This is a meeting conducted by means of communications media technology via Microsoft Teams at <https://bit.ly/3mbjJwW>. An additional telephone connection is available at (786)749-6127 conference code 191-628-907

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Environmental Advisory Committee Meeting. To discuss committee business. All or part of this meeting may be conducted by means of communications media technology to permit maximum participation of committee members. Additional instructions regarding viewing of and participation in the meeting are available at [WaterMatters.org](http://WaterMatters.org) or by calling 1(800)423-1476 and requesting assistance.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office Chief at 2379 Broad St., Brooksville, FL 34604-6899, telephone (352)796-7211 or 1(800)423-1476 (FL only), ext. 4747, or email [ADACoordinator@WaterMatters.org](mailto:ADACoordinator@WaterMatters.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: [Barbara.Matrone@WaterMatters.org](mailto:Barbara.Matrone@WaterMatters.org), 1(800)423-1476 (FL only) or (352)796-7211, x4605 EXE0484.

**DEPARTMENT OF HEALTH**

Office of Statewide Research

The Florida Department of Health announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** July 6, 2022, 9:00 a.m.

**PLACE:** Microsoft Teams

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct review of new research studies involving human participants, modifications to existing studies, and continuing review of ongoing research to make sure research studies

comply with regulations and the Department’s ethical standards.

A copy of the agenda may be obtained by contacting: IRB@flhealth.gov

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

For more information, you may contact: IRB@flhealth.gov

**DEPARTMENT OF HEALTH**

Division of Emergency Preparedness and Community Support

RULE NO.: RULE TITLE:

64J-1.024 Disciplinary Guidelines

The DEPARTMENT OF HEALTH, Division of Emergency Preparedness and Community Support, announces a workshop to which all persons are invited.

DATE AND TIME: THE RULE DEVELOPMENT WORKSHOP PREVIOUSLY SCHEDULED on June 27, 2022, 1:00 p.m. – 3:00 p.m. EST, HAS BEEN CANCELLED.

PLACE: Previously scheduled at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32311-7840, Room 301; and via Microsoft Teams and via web browser (audiovisual).

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rule Development Workshop regarding disciplinary guidelines for the professions of Emergency Medical Technician (EMT) and paramedic, licensed Emergency Medical Services providers, and EMT and paramedic training programs is being RESCHEDULED.

Notice of the date, time, and place will be published when the workshop has been rescheduled.

A copy of the agenda may be obtained by contacting: Teresa A. George, Teresa.George@FLHealth.gov, (850)558-9764, after the workshop is rescheduled.

**DEPARTMENT OF FINANCIAL SERVICES**

Division of State Fire Marshal

RULE NOS.:RULE TITLES:

69A-62.021 Minimum Requirements for a Firefighter Employer Comprehensive Safety and Health Program

69A-62.033 Recordkeeping Responsibilities of Firefighter Employers

The Division of State Fire Marshal announces a hearing to which all persons are invited.

DATE AND TIME: July 14, 2022, 10:00 a.m.

PLACE: Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/626020717>

You can also dial in using your phone. United States (Toll Free): 1(866)899-4679, United States: (571)317-3116, Access Code: 626-020-717

Join from a video-conferencing room or system. Dial in or type: 67.217.95.2 or [inroomlink.goto.com](https://inroomlink.goto.com), Meeting ID: 626 020 717 or dial directly: 626020717@67.217.95.2 or 67.217.95.2##626020717

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will be holding public hearing to discuss the proposed amendments to this rule. This rulemaking is to clarify the recordkeeping responsibilities of firefighter employers for identification and reporting of firefighter occupational injuries, diseases, illnesses, and fatalities; update the forms; and make other necessary updates.

A copy of the agenda may be obtained by contacting: Susan Schell, Department of Financial Services, Division of State Fire Marshal at, Susan.Schell@myfloridacfo.com or (352)369-2836.

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: Susan Schell, Department of Financial Services, Division of State Fire Marshal at, Susan.Schell@myfloridacfo.com or (352)369-2836. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF FINANCIAL SERVICES**

Division of Insurance Agent and Agency Services

RULE NOS.:RULE TITLES:

69B-228.080 Course Approval; Requirements; Guidelines

69B-228.180 Forms and Submission of Forms through the Education Database

The Division of Insurance Agent and Agency announces a hearing to which all persons are invited.

DATE AND TIME: July 13, 2022, 10:00 a.m.

PLACE: Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/626020717>

You can also dial in using your phone. United States (Toll Free): 1(866)899-4679, United States: (571)317-3116, Access Code: 626-020-717

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will be holding public hearing to discuss the proposed amendments to these rules. This rulemaking amends the required number of hours necessary for certain approved continuing education courses taught to insurance agent and bail bond licensees. The rulemaking will also make other required updates.

A copy of the agenda may be obtained by contacting: David Jones, Chief of the Bureau of Licensing, (850)413-5460, David.Jones@myfloridacfo.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: David Jones, Chief of the Bureau of Licensing, (850)413-5460, David.Jones@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).

#### GULF CONSORTIUM

The Gulf Consortium announces a public meeting to which all persons are invited.

DATE AND TIME: June 30, 2022, 3:30 p.m. (ET)

PLACE: The meeting will be conducted in-person at the below-described location. However, members of the public who wish to attend and participate in the meeting may also do so remotely via communications media technology as further described below.

June 30, 2022 at 3:30 pm (ET)

PLACE: Hyatt Regency Orlando, 9801 International D.r, Plaza D, Orlando, FL 32819, USA

Interested persons may also participate by GoToMeeting and telephone via the following:

<https://meet.goto.com/635182717>

You can also dial in using your phone.

United States: +1 (571) 317-3116

Access Code: 635-182-717

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to review the status of grant applications and grants, review financials, and conduct other business at the discretion of the Board.

A copy of the agenda may be obtained by contacting: at [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.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: at [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

For more information, you may contact: at [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us)

#### ENTERPRISE FLORIDA, INC.

The Florida Opportunity Fund announces a public meeting to which all persons are invited.

DATE AND TIME: June 28, 2022, 3:30 p.m.

PLACE: Virtual meeting via Teams - [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_M2I1NGQ3YjItMTNhYS00YmY2LTlkYmYtNmNhMTMzMWJhMzMD0%40thread.v2/0?context=%7b%22Tid%22%3a%228310dbd9-35bb-4e22-8978-e59703aec4bb%22%2c%22Oid%22%3a%22b056fa17-d297-4757-beee-78fec688ff94%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2I1NGQ3YjItMTNhYS00YmY2LTlkYmYtNmNhMTMzMWJhMzMD0%40thread.v2/0?context=%7b%22Tid%22%3a%228310dbd9-35bb-4e22-8978-e59703aec4bb%22%2c%22Oid%22%3a%22b056fa17-d297-4757-beee-78fec688ff94%22%7d)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative matters.

A copy of the agenda may be obtained by contacting: Lorna Dusti, 407-956-5651.

For more information, you may contact: Lorna Dusti, 407-956-5651.

#### QCAUSA

##### QCAUSA

The Florida Department of Transportation (FDOT) District One announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2022, 5:30 p.m.

PLACE: Online via GoToWebinar or in person at Florida Southwestern State College

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District One invites you to attend a follow-up public meeting on July 14, 2022, to review the design revisions made to the proposed safety improvements on State Road (SR) 867 (McGregor Boulevard) from Cypress Lake Drive to Edinburgh Drive in Fort Myers.

The project proposed replacing the two-way, left turn lane with a raised median along the project corridor to enhance safety and eliminate conflict points. In response to citizen comments from the January public meeting, FDOT updated the design plans to include median openings and left turn lanes that allow U-turns and provide access to high-volume commercial and residential areas. FDOT will also be synchronizing signal timing to allow for the additional U-turns at all signalized intersections.

Information can be found on the project website at [www.swflroads.com/SR867/cypresslaketoedinburgh](http://www.swflroads.com/SR867/cypresslaketoedinburgh). The purpose of the public meeting is to present information and updates to the project designs.

Participate in person at Florida Southwestern State College, 8099 College Parkway, U Building, Room 102, Fort Myers, FL 33919. All in-person attendees will be encouraged to follow

Centers for Disease Control guidelines, including social distancing. Masks are optional. Participants who are not feeling well should utilize a remote attendance option.

Participate online using an electronic device such as a computer, tablet, or smartphone. Please register at <https://attendee.gotowebinar.com/register/4960586769853649164>.

Participate over the phone by requesting the presentation slides at least seven (7) days in advance of the event and dialing 1-562-247-8422 and code 222-823-470 upon the start of the event. This will enable over-the-phone attendees to review the slides while listening to the presentation.

Participate after the event by viewing a recording of the public meeting presentation and project exhibits, on the project website [www.swflroads.com/SR867/cypresslaketoedinburgh](http://www.swflroads.com/SR867/cypresslaketoedinburgh) under "Documents and Publications."

All attendees planning to join in person are requested to register in advance by emailing or calling the FDOT Project Manager, Katherine Chinault, at [Katherine.Chinault@dot.state.fl.us](mailto:Katherine.Chinault@dot.state.fl.us) or 863-519-2777. If joining online, register at <https://attendee.gotowebinar.com/register/4960586769853649164>.

All interested persons are invited to give comments on the project during the public meeting. In-person attendees will have the opportunity to talk with project team members during the open house. Online attendees will be able to submit their questions in the comment box. All written questions or comments will be responded to in writing following the public meeting. Comments received or postmarked to the FDOT Project Manager, Katherine Chinault, by July 24, 2022, will be included in the public record.

Katherine Chinault, CPM  
FDOT Project Manager – District One  
801 North Broadway Avenue  
Bartow, FL 33830  
[Katherine.Chinault@dot.state.fl.us](mailto:Katherine.Chinault@dot.state.fl.us)  
863-519-2777

This meeting has been developed in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact District One Title VI Coordinator Cynthia Sykes at 863-519-2287 or at [Cynthia.Sykes@dot.state.fl.us](mailto:Cynthia.Sykes@dot.state.fl.us) at least seven days prior to the Public Meeting. Individuals who are hearing or speech impaired may use the Florida Relay Service (TDD: 1-800-955-8771 or Voice: 1-800-955-8770) to contact FDOT regarding this project.

Comuníquese con nosotros: Nos importa mucho la opinión del público sobre el proyecto. Si tiene preguntas o comentarios, o simplemente desea más información, por favor comuníquese con nosotros. Nuestra representante en español es: Terry Cure, 786-510-6195.

A copy of the agenda may be obtained by contacting: FDOT Project Manager, Katherine Chinault, at [Katherine.Chinault@dot.state.fl.us](mailto:Katherine.Chinault@dot.state.fl.us) or 863-519-2777.

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

NONE

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**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

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

NONE

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

NONE

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

NONE

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## Section XI

### Notices Regarding Bids, Proposals and Purchasing

#### DEPARTMENT OF EDUCATION

University of South Florida

#### NOTICE TO DESIGN/BUILD TEAMS INVITATION TO NEGOTIATE - USF On-Campus Stadium

Notice to Design/Build Teams

Invitation to Negotiate #2022-056-ITN-PRO

The University Of South Florida (USF), announces that Design/Build Services, for design and construction services will be required for the project listed below.

PROJECT NUMBER: USF – 579

INVITATION TO NEGOTIATE NUMBER: 2022-056-ITN-PRO

PROJECT AND LOCATION: USF On-Campus Project, University of South Florida, Tampa Campus, Tampa, Florida.

#### PROJECT DESCRIPTION:

This project consists of a 35,000 person capacity stadium with multiple premium areas and experiences that are uniquely designed for the University of South Florida (USF). We anticipate this stadium will have five levels: Field Level, Main Concourse, Club Level, Suite Level, and Press Level. This will give USF the opportunity to place program area with area to expand in the future. In addition to the Stadium, this project will also include an athletic training and performance center to support the USF Football program and the USF Women's Lacrosse Program. The exterior will be designed to fit within the USF Tampa Campus aesthetic and the athletic district. The site for this project is in the existing USF athletic district, south of USF Holly Drive and between USF Genshaft Drive and USF Sycamore Drive, located on the Sycamore Recreation Fields. Tree removal from the site shall be minimized and furthermore designed around to create opportunities for shaded activation zones.

The Design/Build Team, also known as the Design and Construction Services Team (DCST) shall be responsible for the management of the process and project to meet project scope, budget and schedule requirements.

It is the University's responsibility to negotiate a fair, competitive and reasonable compensation. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects; (2) other compensation reference data; and (3) scope of service/proposal worksheet to be provided at the time of negotiations.

USF will contract with a single contract entity DCST who shall provide all services including, but not limited to development of the Facilities Program, professional services, budgeting, cost

estimating, construction services, labor, materials, and equipment required to design, construct, and furnish the project. The selected team will be required to provide computer drawings according to the standards of USF, including computer record drawings reflecting as-built conditions. Blanket professional design liability insurance will be required for this project in the amount of \$5,000,000 and will be provided as a part of Basic Services. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best Rating A, Class IX. Project development including professional services is contingent upon availability of funds. If additional funding is realized, USF has the option to incorporate additional scope/funding under this contract. Any new construction projects shall be USGBC LEED certified, to a minimum certification level of Silver, as required by the Owner, and shall be included as part of Basic Services and will not be considered as an additional service.

#### INSTRUCTIONS:

Teams desiring to apply for consideration shall submit an Invitation to Negotiate submittal consisting of the information as required in the Submittal Requirements of the Invitation to Negotiate (ITN), including a letter of interest, a completed USF Design and Construction Services Qualification Supplement (DCSQS) with attachments, and any required or additional information within the proposal limits as described in the ITN. Applications on any other form may not be considered. The ITN and the DCSQS which includes project information and selection criteria, may be obtained by accessing the USF Public Solicitation Portal through the USF Procurement Services website. Applications which do not comply with the above instructions may be disqualified. Submittals are part of the public record. Application materials will not be returned. Teams must be properly registered to practice its profession(s) and licensed as General Contractor in the State of Florida at the time of application. If the applicant is a corporation, or a joint venture, it must be chartered by the Florida Department of State to operate in Florida at the time of application. If the applicant is the contract entity and has a consultant to perform the design or construction services, the contract entity and consultant must have an agreement at the time of application to formally contract for consulting services.

**Pre-Submittal Meeting:** All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 2:00 p.m. EST, Wednesday, July 6<sup>th</sup>, 2022, at the: University of South Florida, Tampa Campus, Lee Roy Selmon Athletics Center – Hall of Fame Conference Room, 4202 E. Fowler Ave., ATH 100, Tampa, FL 33620-7550, to review the scope and requirements of this project. (Directions and parking information can be obtained at the Campus Information Center at the Fowler entrance, or view map at website:

[www.usf.edu/administrative-services/parking/maps/index.aspx](http://www.usf.edu/administrative-services/parking/maps/index.aspx)).

**Request for Meetings:** Requests for meetings by individual firms will not be granted. No communication shall take place between the applicants and the Selection Committee members, employees of USF, except as provided at the Pre-Submittal Meeting, the Interview Meeting and in the USF Design and Construction Services Qualification Supplement (DCSQS) and Invitation to Negotiate (ITN) (which includes project information and selection criteria).

**Request for Information:** Requests for any project information or questions regarding the selection process or the project must be submitted in writing using the Q&A Board in the Sourcing portal:

<https://bids.sciquest.com/apps/Router/PublicEvent?CustomerOrg=USFlorida>. The procurement Officer for this project is: Mike Hernandex, Assistant Director, University of South FL, Procurement Services 4202 East Fowler Avenue / SVC 1072, Tampa, FL 33620-5800, email: mahernandez@usf.edu, (813)974-5362 or Fax: (813) 974-5362.

**Submission:** One (1) electronic submittal (in PDF format) is to be submitted via the USF Public Solicitation Portal by 3:00 p.m. EST, Friday, July 22, 2022 Facsimile (FAX) or hardcopy submittals are not acceptable and will not be considered. Submittals that do not comply with the above instructions may be disqualified. The award of this contract is subject to availability of funds. The University reserves the right to suspend, discontinue or cancel the selection process at any time and reject any or all submissions without obligation to the respondent.

#### PROJECT SELECTION CRITERIA:

Throughout the Invitation to Negotiate process, DCSTs will be evaluated against the evaluation criteria listed in the ITN documents published by USF Procurement Services. Selection of finalists for interviews will be based on evaluations of each applicant's Team Qualifications, Team Experience, Team Ability to Provide Service, and Scope of Service / Proposal Worksheet, including approach & method, location, past performance, workload, volume of University of South Florida work including the USF Direct Services Organizations (DSO). Such evaluation criteria shall include the applicant's experience (particularly with NCAA Div. I On Campus Stadiums) in architecture, engineering, interior design, and any specialty consultant services, applicant's personnel, applicant's ability to provide service, (record-keeping/administrative ability, recording of as-built conditions, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, process and plan to utilize CBE's, etc.) and the applicant's license, bondability and insurability.

As part of the USF Strategic Plan, USF made a commitment to foster a diverse community distinguished by a shared purpose,

collaboration, open and timely communication, mutual respect, trust, and inclusiveness. USF is an equal opportunity institution, and, as such, strongly encourages the lawful use of Certified Business Enterprise (CBE) including certified Minority (MBE), Women (WBE), and Veteran (VBE) Business Enterprises in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or to participate in design and/or construction-related services.

The plans and specifications for the USF projects are subject to reuse in accordance with the provisions of Florida Statutes.

As required by Section 287.133, Florida Statutes, a consultant 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 consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$35,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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#### DEPARTMENT OF EDUCATION

University of Central Florida

UCF-602 Football Campus Projects - CM

#### NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida Board of Trustees, announces that services in the disciplines of construction management will be required for the project listed below:

Project No.: UCF-602

Project and Location: UCF Football Campus Projects, University of Central Florida, Main Campus.

The project will consist of providing pre-construction and construction services for the Football Campus Projects. The six proposed UCFAA Football Campus Projects include:

1. Stadium South Tower (Bldg. #135 - addition/remodel/renovation)
2. Football Practice Field Relocation
3. McNamara Cove (Bldg. #363 – new building)
4. Parking and Plaza Expansion
5. Wayne Densch Sports Center Renovation (Bldg. #077 - addition/remodel/renovation)
6. Stadium North Seating Expansion (Bldg. #135 addition)

A preliminary cost estimate has been developed for the projects and can be found in the building program listed above, however the overall project budget and individual project budgets may vary from this estimate based on final designs, scope, and sequencing. The project may be phased and the budget may be changed at UCF's discretion. This project is subject to the availability of funding.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, the value of which will be negotiated with the selected firm. Phase one services include value engineering, constructability analyses,

development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract.

Instructions for submitting a proposal can be found on the Project Fact Sheet. The Project Fact Sheet and Construction Management Qualifications Supplement Form may be obtained on our website [www.fp.ucf.edu](http://www.fp.ucf.edu) or by contacting: Gina Seabrook, Email: [gina.seabrook@ucf.edu](mailto:gina.seabrook@ucf.edu), Phone: (407) 823-5894.

We are accepting only electronic submissions, to be uploaded at: <https://ucf.bonfirehub.com/opportunities/70089>

Submittals must be received by 5:00 p.m. local time July 29, 2022. Late submissions or additional documentation will not be accepted.

**DEPARTMENT OF JUVENILE JUSTICE**

“ITN 10758 – Public Meetings”

The Department is seeking a thirty-two (32)-bed Residential program with innovations in delinquency programming and treatment services for boys who are appropriate for nonsecure residential placement and are between the ages of fourteen (14) to twenty-one (21). The proposed services shall include funding for sixteen (16) filled beds for boys in need of Substance Abuse Treatment Overlay Services (SAOS), as described in Attachment A-3, Substance Abuse Treatment Overlay Services (SAOS), and sixteen (16) filled beds for boys in need of Mental Health Overlay Services (MHOS), as described in Attachment A-4, Mental Health Overlay Services (MHOS). The Department shall allow for the flexibility of SAOS, and MHOS beds based on the Department’s needs for treatment services. The Department is also seeking a sixteen (16)-bed Residential program with innovations in delinquency programming and treatment services for boys who are appropriate for nonsecure residential placement and are between the ages of twelve (12) to eighteen (18). The proposed services shall include funding for sixteen (16) filled beds for boys in need of Intensive Mental Health Treatment Services (IMH).

All public meetings for this ITN are advertised on the VIP System at: <https://vendor.myfloridamarketplace.com/search/bids/detail/1604>

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, June 17, 2022 and 3:00 p.m., Thursday, June 23, 2022.

Rule No.	File Date	Effective Date
5J-13.001	6/21/2022	7/11/2022
5J-13.003	6/21/2022	7/11/2022
62-304.515	6/17/2022	7/7/2022
62-304.715	6/17/2022	7/7/2022
64B8-14.002	6/23/2022	7/13/2022
64B8-15.001	6/23/2022	7/13/2022
64B8-15.002	6/23/2022	7/13/2022
64B8-15.003	6/23/2022	7/13/2022
64B9-6.003	6/17/2022	7/7/2022
64B9-6.004	6/17/2022	7/7/2022
64B11-5.001	6/22/2022	7/12/2022
64B16-26.1032	6/21/2022	7/11/2022

**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
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	12/8/2021	**/**/****
60P2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
62-6.001	5/10/2022	**/**/****

62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****
69L-7.020	10/22/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****

Sports Complex (Ball Field lift station), Construction of a second biosolid aerobic digester at the Wastewater Treatment Facility, Replacement of the mechanical aerators in the oxidation ditches at Wastewater Treatment Facility. The estimated cost for this project is \$8.3 million. The project may qualify for Clean Water SRF loans composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed projects that are postmarked or delivered at the address below within 30 days of this notice. A copy of the FCEN can be obtained by writing to: Pankaj Shah, DEP, 3900 Commonwealth Blvd., MS 3505, Tallahassee, Florida 32399-3000, or calling (850)245-2962 or emailing [pankaj.shah@floridadep.gov](mailto:pankaj.shah@floridadep.gov).

FLORIDA COMMISSION ON OFFENDER REVIEW  
 NOTICE OF DENIAL OF PETITION TO INITIATE  
 RULEMAKING

RULE NO.: RULE TITLE:

23-21.010 Decisions Outside the Matrix Time Range

NOTICE IS HEREBY GIVEN that the Florida Commission on Offender Review has issued an Order Denying Petition to Initiate Rulemaking in response to a petition filed by Fredrick Nowitzke [DC 573241]. By order dated June 22, 2022, the Commission denied the petition seeking to repeal Rule 23-21.010, F.A.C., which permits the Commission to assess aggravators and mitigators outside the matrix time range in establishing a presumptive parole release date. The Commission found Fredrick Nowitzke [DC 573241] was not entitled to challenge Commission rules by a petition to initiate rulemaking.

A copy of the petition and Commission Order No. 22-03-AR may be obtained by contacting Rana Wallace, General Counsel, Florida Commission on Offender Review, 4070 Esplanade Way, Tallahassee, Florida 32399, E: [fcorlegal@fcor.state.fl.us](mailto:fcorlegal@fcor.state.fl.us).

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 Clean Water State Revolving Fund  
 NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE (FCEN)  
 CITY OF WAUCHULA  
 WW25016

The Florida Department of Environmental Protection (DEP) has determined that the City of Wauchula’s projects involving Wastewater Treatment, Force Mains and Lift Station Improvements is not expected to generate controversy over potential environmental effects. The proposed projects include

Replacement of gravity sewer line Near Shady Nook Circle, Abandonment of gravity sewer west of Elementary School and construction of a new lift station and force main, Abandonment of gravity sewer south of Elementary School and construction of a new lift station and force main, Replacement of force main at the lift station at the Hardee County Youth

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.