

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-330.010	Purpose and Implementation
62-330.050	Procedures for Review and Agency Action on Exemption Requests
62-330.052	General Permits – General
62-330.055	Conceptual Approval Permits for Urban Infill or Redevelopment
62-330.301	Conditions for Issuance of Individual and Conceptual Approval Permits
62-330.310	Operation and Maintenance
62-330.311	Inspections and Reporting
62-330.350	General Conditions for Individual Permits
62-330.351	General Conditions for Conceptual Approval Permits
62-330.405	General Conditions for All General Permits

PURPOSE AND EFFECT: The Department is initiating rulemaking in accordance with Section 5 of Chapter 2020-150, Laws of Florida, to update the stormwater design and operation regulations adopted under Section 373.4131, Fla. Stat., including updates to the Environmental Resource Permit Applicant’s Handbook Volume I, using the most recent scientific information available. Furthermore, the Applicant’s Handbook Volume II within the Northwest Florida Water Management District will be updated under this rulemaking, and any updates to Applicant’s Handbook Volume II made by the other water management districts will also be incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The Department and Water Management Districts will be developing amendments to update the stormwater design and operation regulations; and will consider and address low-impact design best management practices and design criteria that increase the removal of nutrients from stormwater discharges, and measures for consistent application of the net improvement performance standard to ensure significant reductions of any pollutant loadings to a waterbody. The rulemaking pursuant to this notice is expected to include amendments to update Chapter 62-330, Fla. Admin. Code, the Applicant’s Handbook Volume I that applies statewide, and the Applicant’s Handbook Volume II that applies within the Northwest Florida Water Management District. A separate Notice of Development of Rulemaking will be published by each of the other four regional water management districts to initiate rulemaking for each of the remaining Applicant’s Handbook Volume II as part of this coordinated rulemaking effort.

RULEMAKING AUTHORITY 373.026(7), 373.043, 373.118, 373.418, 373.4131, 373.4145, 403.805(1), 403.814, F.S.

LAW IMPLEMENTED: 373.409, 373.413, 373.4131, 373.414(9), 373.4141, 373.4142, 373.4145, 373.416, 373.423, 373.426, 373.428, 373.429, 373.441, FS.

ONE OR MORE RULE DEVELOPMENT WORKSHOPS WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE REGISTER AT LEAST 14 DAYS IN ADVANCE ONCE THE DATE FOR THE RULE DEVELOPMENT WORKSHOP HAS BEEN DETERMINED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:

Tim Rach or John Coates, Division of Water Resource Management, MS 3545, 2600 Blair Stone Road, Tallahassee, FL 32399, or by email at Stormwater2020@floridadep.gov.

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

Section II

Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-41.300	Central Florida Water Initiative Area, Scope of Rule
62-41.301	Central Florida Water Initiative Area, Uniform Conditions for Issuance of Permits
62-41.302	Central Florida Water Initiative Area, Supplemental Applicant’s Handbook
62-41.303	Central Florida Water Initiative Area, Variances to the Uniform Rules
62-41.304	Central Florida Water Initiative Area, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations
62-41.305	Central Florida Water Initiative Area, Applicability of the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies

PURPOSE AND EFFECT: The Department is proposing to create Rules 62-41.300, 62-41.301, 62-41.302, 62-41.303, 62-41.304, 62-41.305, F.A.C., to address the Central Florida Water Initiative (CFWI) and create uniform consumptive use water permitting rules for the CFWI area.

SUMMARY: The CFWI is a collaborative process involving the Department of Environmental Protection, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, the Department of Agriculture and Consumer Services, regional public water supply utilities, and other stakeholders. The “CFWI Area” is all of Orange, Osceola, Polk, and Seminole Counties, and southern Lake County.

Section 373.0465, Florida Statutes, directs the Department of Environmental Protection to adopt uniform rules for application within the CFWI Area. Rules 62-41.300 through 62-41.305, F.A.C., and the Supplemental Applicant's Handbook address the public interest by providing a uniform regulatory framework to allow for the allocation of available groundwater in the area, subject to avoidance and mitigation measures to prevent harm. These rules will apply to consumptive use permit applicants in the CFWI Area and supersede portions of Chapters 40C-2, 40D-2 and 40E-2, F.A.C., regulating the consumptive use of water in the CFWI Area explicitly identified in the chapter. The Supplemental Applicant's Handbook is available for review at: <https://floridadep.gov/water-policy/water-policy/content/office-water-policy-rulemaking>.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule. The estimated transactional costs of the proposed CFWI rule are not expected to be large enough to cause more than \$1 million in total economic impact over the five-year period after the rule is implemented. The proposed CFWI rule's greatest negative transactional cost impact is due to the prohibition of additional permitted water withdrawals from the Upper Floridan Aquifer (UFA) after 2025 for public supply and industrial / commercial / institutional water use permittees and applicants. Therefore, applicants and permittees would need to supply additional water demands with water from more expensive alternative water sources. The transactional cost of the proposed rule by the year 2040 is estimated to be \$190 million per year. The estimated transactional cost of the proposed CFWI rule over the next five years is estimated to be \$18.8 million. The proposed rule will likely require legislative ratification.

A SERC has been prepared by the agency and is available at: <https://floridadep.gov/water-policy/water-policy/content/office-water-policy-rulemaking>. 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: 373.043, 373.0465, 373.171, F.S.

LAW IMPLEMENTED: 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.171, 373.223, 373.229, F.S.

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

DATE AND TIME: December 11, 2020, 9:00 am EDT

PLACE: The public hearing will be held virtually via GoToWebinar at:

<https://attendee.gotowebinar.com/register/6988474326847035403>

Individuals wishing to present evidence at the hearing that they wish others on the webinar to view during the webinar must contact the Department at least three days in advance and provide a copy of the evidence to the Department.

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: Christina Cogger, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, (850)245-3150, Christina.G.Cogger@FloridaDEP.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina Cogger, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, (850)245-3150, Christina.G.Cogger@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-41.300 Central Florida Water Initiative Area, Scope of Rules

(1) Rules 62-41.300 through 62-41.305, F.A.C., and the Central Florida Water Initiative Area Supplemental Applicant's Handbook (Supplemental Applicant's Handbook), incorporated by reference in Subsection 62-41.302(1), F.A.C., implements section 373.0465(2)(d), F.S. These rules apply to consumptive use permit applicants in the Central Florida Water Initiative (CFWI) Area as defined in section 373.0465(2)(a), F.S., and supersede those portions of Chapters 40C-2, 40D-2 and 40E-2, F.A.C., regulating the consumptive use of water in the CFWI area explicitly identified in this chapter. These rules only supersede the rules of the St. Johns River Water Management District (SJRWMD), Southwest Florida Water Management District (SWFWMD) or South Florida Water Management District (SFWMD) (collectively, the "Districts") when explicitly provided in Rules 62-41.300 through 62-41.305 or the Supplemental Applicant's Handbook.

(2) The SJRWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40C-2, F.A.C., and the SJRWMD Applicant's Handbook for the Consumptive Uses of Water, which is incorporated in paragraph 40C-2.101(1)(a), F.A.C.,

(<https://www.flrules.org/gateway/reference.asp?No=Ref-09818>).

(3) The SWFWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40D-2, F.A.C., and the SWFWMD Water Use Permit Applicant's Handbook, Part B, which is incorporated in paragraph 40D-2.091(1)(a), F.A.C., (<https://www.flrules.org/Gateway/reference.asp?No=Ref-11553>).

(4) The SFWMD shall implement this chapter and the provisions of the Supplemental Applicant's Handbook in conjunction with provisions of Chapter 40E-2, F.A.C., and the Applicant's Handbook for Water Use Permit Applications, which is incorporated in subsection 40E-2.091(1), F.A.C., (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05791>).

(5) Paragraph 373.0465(2)(e), F.S., directs the Districts to implement these rules within the CFWI Area without the need for further rulemaking.

(6) The phrases "Consumptive Use Permit," "Consumptive Use Permitting," or "Consumptive Use Applicants" are synonymous with "Water Use Permit," "Water Use Permitting," or "Water Use Applicants," respectively, as used by the Districts.

(7) The Central Florida Water Initiative region is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C. Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.301 Central Florida Water Initiative Area, Uniform Conditions for Issuance of Permits

For consumptive use applicants within the CFWI Area, this rule supersedes in their entirety subsections 40C-2.301(1) and (2) and subsections 40D-2.301(1) and (2); and subsection 40E-2.301(1), F.A.C.

(1) To obtain a consumptive use permit, renewal, or modification within the CFWI Area, an applicant must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:

(a) Is a reasonable-beneficial use;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

(a) Is a quantity that is necessary for economic and efficient use;

(b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;

(c) Will utilize a water source that is suitable for the consumptive use;

(d) Will utilize a water source that is capable of producing the requested amount;

(e) Will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible, except for those agricultural uses outlined in Section 2.9 of the Central Florida Water Initiative Area Supplemental Applicant's Handbook, incorporated in subsection 62-41.302(1), F.A.C.:

(f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;

(g) Will not cause harm to the water resources of the area in any of the following ways:

1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;

2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;

3. Will not cause harmful saline water intrusion or harmful upconing;

4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters; and

5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area;

(h) Is in accordance with any minimum flow or level and implementation, prevention, or recovery strategy established pursuant to sections 373.042 and 373.0421, F.S.; and

(i) Will not use water reserved pursuant to section 373.223(4), F.S.

(3) The standards, criteria, and conditions in the Applicant's Handbooks identified in subsections 62-41.300(2) – (4), F.A.C., and the Supplemental Applicant's Handbook incorporated by reference in subsection 62-41.302(1), F.A.C., shall be used to determine whether the requirements of subsections (1) and (2) are met.

(4) Across the CFWI Area, cumulative harm on the water resources is existing and increasing because of groundwater withdrawals from the Upper Floridan aquifer. Thus, the cumulative uses across the CFWI Area have caused detrimental effects to other users and the water resources of the state. Following the effective date of these rules, each District shall modify all applicable existing Consumptive Use Permits with withdrawal points within the CFWI to be consistent with Rules 62-41.301 through 62-41.305, F.A.C., and applicable permit conditions specified in Section 5.0, of the Supplemental Applicant's Handbook, incorporated by reference in 62-41.300 through 62-41.302, F.A.C., are incorporated into all CUPs within the CFWI.

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.171, 373.223, 373.229, FS. History—New _____.

62-41.302: Central Florida Water Initiative Area, Supplemental Applicant's Handbook

(1) Rules 62-41.302 through 62-41.305, F.A.C., shall be used in conjunction with the Central Florida Water Initiative Area Supplemental Applicant's Handbook (Supplemental Applicant's Handbook), effective February 2021, which is hereby adopted and incorporated by reference herein, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Materials adopted by reference in this chapter are available from the Department of Environmental Protection's Internet Site <https://floridadep.gov/water-policy>, or by contacting the Office of Water Policy, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 46, Tallahassee, Florida 32399, 850-245-3150. Design Aids referenced within the Supplemental Applicant's Handbook are not incorporated by reference and are for information purposes only.

(2) Each chapter of the Supplemental Applicant's Handbook includes a statement indicating what section(s) of the Districts' Applicant's Handbooks, the Supplemental Applicant's Handbook supersedes and replaces. Any section of a Districts' Applicant's Handbooks that is not explicitly superseded and replaced by the Supplemental Applicant's Handbook shall remain in full force and effect for all users within that Districts' jurisdiction, including the CFWI Area. Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.171, 373.223, 373.229, FS. History—New _____.

62-41.303: Central Florida Water Initiative Area, Variances to the Uniform Rules

(1) Scope. Applicants may seek a variance from Rules 62-41.301 and 62-41.302, F.A.C., and the provisions of the Supplemental Applicant's Handbook if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical. A variance under this rule is as defined in Section 120.52(21), F.S. Variances under this rule shall not be granted for any requirements relating to the Southern Water Use Caution Area or the Dover/Plant City Water Use Caution Area, provisions of which are incorporated by reference in Rule 62-41.305, F.A.C.. Nothing in this rule shall preclude a petitioner from applying for variances or other relief mechanisms under other provisions of law.

(2) Delegation. The Department hereby delegates to the South Florida, Southwest Florida, and St. Johns River Water Management Districts the authority to grant or deny variances under this section to applicants/permittees within their district. At least 15 days prior to granting a request for variance, a district must notify the Executive Director of the other two

Water Management Districts and the Director of the Department's Office of Water Policy and Ecosystem Restoration that it intends to grant the variance.

(3) An applicant seeking a variance under section 373.0465, F.S., from the provisions of Rules 62-41.301 or 62-41.302, F.A.C., or the provisions of the Supplemental Applicant's Handbook must demonstrate that there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical. For the purposes of this rule, unrealistic or impractical shall mean compliance with the rule will create a substantial hardship or would violate the principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(4) Applicants for a variance may not claim that compliance with another Department or District statute or rule justifies the need for a variance. Applicants may seek variances from those statutes or rule through the applicable variance procedures.

(5) The Districts shall only grant variances when the applicant demonstrates that it has achieved or will achieve the purpose of the underlying statute by other means.

(6) Petitions for variance must include the following information:

(a) A caption, which shall read:

Petition for Variance from Rule (Citation)

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;

(d) The applicable rule or portion of the rule or handbook;

(e) The citation to the statute the rule is implementing;

(f) The type of action requested;

(g) The specific facts that demonstrate there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical;

(h) The reason why the variance requested would serve the purposes of the underlying statute; and

(i) A statement whether the variance is permanent or temporary. If the variance is temporary, the petition shall include the dates indicating the duration of the requested variance.

(7) The District shall review a petition for a variance under section 373.0465(2)(d), F.S., within 30 days after receipt to

determine if the application is complete. If the petition is incomplete, the District shall request additional information and cite the applicable paragraph or subparagraph in this rule upon which it is making such request. Within 30 days after receipt of such additional information, the District shall review the additional information and may request any other information needed to clarify the additional information or to answer new questions raised by, or directly related to, the additional information. If the petitioner asserts that any request for additional information is not authorized by law or by rule, the petitioner may direct the District to process the petition without the requested information. Upon the receipt of such direction, the District shall process the petition without the requested information.

(8) The District shall publish in the Florida Administrative Register a notice of availability of the intended agency action on the petition for a variance under section 373.0465(2)(d), F.S. The petitioner shall publish notice of intended agency action on the petition once, at his own expense, in a newspaper of general circulation (as defined in Section 50.031, F.S.) in the county or counties in which its withdrawal is located.

(9) If granted, a variance will be issued to run concurrently with the corresponding permit.

(10) Renewals of variances shall be applied for and reviewed in the same manner as set forth in Rules 62-41.303, F.A.C.

Rulemaking Authority 373.016, 373.043, 373.0465, 373.171 FS. Law Implemented 373.016, 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History—New _____.

62-41.304: Central Florida Water Initiative Area, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations

(1) Priority List. Prior to submittal to the Department for approval pursuant to section 373.042(3), F.S., each District proposing a Minimum Flow or Minimum Water Level (MFL) or Reservation in the Central Florida Water Initiative (CFWI) Area shall:

(a) Hold a meeting among staff of the Department, and the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District (the “Districts”) to discuss the CFWI waterbodies proposed for inclusion on the Priority List;

(b) Notice and hold at least one joint public workshop within the CFWI Area with the Districts to discuss each district’s proposed priority list applicable to the CFWI. Such notice shall affirmatively state that the Districts and the Department have held the meeting required by paragraph (1)(a), above.

(c) Priority Lists shall conform with the requirements set forth in section 373.042(3), F.S. and subsection 62-40.473(9),

F.A.C. In addition to those requirements, if there is an impact potential across water management district boundaries from withdrawals in the CFWI, the priority list shall specifically identify the cross-boundary impact potential as being from within the CFWI.

(2) Consistent Method for Establishing MFLs.

(a) When establishing or re-evaluating an MFL, the Districts shall comply with the requirements of sections 373.042 and 373.0421, F.S., and Rule 62-40.473, F.A.C.

(b) When establishing or re-evaluating an MFL, the adopting District shall consider the unique characteristics of the waterbody and basin as determined using the best available information. The adopting District shall provide the technical information supporting any proposed MFL to the non-adopting Districts and the Department. Sharing of information shall take place prior to seeking independent scientific peer review or prior to publishing a Notice of Proposed Rule, whichever comes first.

(3) Status of the MFL Waterbody. When determining whether the flow(s) and/or level(s) of a specific MFL water body are below or projected to fall below the adopted MFL criteria, the District within which the MFL is located shall use the status assessment approach that includes a screening level analysis and a causation analysis, when applicable pursuant to the 62-41.304(3)(a)-(c), F.A.C.. This status assessment is independent from and not a determination of consumptive use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection.

(a) A screening level analysis, which includes the incorporation of changes in rainfall trends, must be performed for waterbodies in the CFWI area periodically following adoption to monitor the status of an adopted MFL.

(b) If the screening level analysis shows that the MFL is being met based on the flows or levels adjusted by rainfall trends, then no further actions are required beyond continued monitoring.

(c) If the screening level analysis indicates that the MFL is not being met, or is trending toward not being met based on the flows and levels adjusted by rainfall trends, the District will conduct a causation analysis to independently evaluate the potential impacts of various stressors on the MFL water body being assessed.

1. Factors other than consumptive uses of water (e.g., long-term drought) can cause the flow or level of a surface watercourse, aquifer, surface water, or spring to drop below an adopted minimum flow or level. The factors to be considered in the determination of causation shall be based on the use of best professional judgment and include:

a. Rainfall or other climatic variables;

b. Consumptive use;

- c. Land use changes or development;
 - d. Surface water drainage;
 - e. Changes in hydrology and hydraulics;
 - f. Geology/hydromorphology (e.g., sinkhole formation);
 - g. Water levels/flows in other appropriate water resources (e.g., nearby wells, lakes, streams, wetlands);
 - h. Ecological assessment information; and,
 - i. Other factors that can be reasonably shown to cause a change in the flow or level.
2. The tools used in the causation analysis shall be based on the use of best professional judgment and may include:
- a. Double-mass analyses;
 - b. Statistical analysis of climate variables and flow and/or water level;
 - c. Stage and/or flow duration and frequency analysis;
 - d. Modeling (groundwater/surface water, ecological or water budget models);
 - e. Ecological tools;
 - f. Distribution of groundwater use and withdrawal rate history;
 - g. Aquifer water level trend analysis; and
 - h. Degree of aquifer confinement.
3. Based on the causation analysis, the District shall develop or amend a recovery or prevention strategy including any applicable rulemaking, as appropriate, consistent with the provisions of section 373.0421(2), F.S.
- (4) Development of MFL Recovery and Prevention Strategies.
- (a) Recovery and Prevention Strategies shall be developed when required pursuant to and consistent with section 373.0421, F.S., and Rule 62-40.473, F.A.C.
 - (b) When required, Recovery and Prevention Strategies shall either be developed for individual waterbodies or regionally.
 - (c) Recovery and Prevention Strategies may contain regulatory and non-regulatory provisions, as appropriate.
 - (d) The Recovery or Prevention Strategy must address existing uses, renewals or modifications of existing uses, and new uses that may impact the subject MFL.
 - (5) Consistent Method to Set Reservations.
 - (a) Water reserved from use shall comply with the requirements of section 373.223(4), F.S., and Rule 62-40.474, F.S.
 - (b) A reservation adopted after the effective date of this rule shall specifically state, as applicable, whether the reservation is being used for the protection of fish and wildlife or public health and safety.
- Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New _____.

62-41.305: Central Florida Water Initiative Area, Applicability of the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies

(1) Pursuant to section 373.0465(d), F.S., this rule includes existing recovery strategies within the Central Florida Water Initiative (CFWI) Area adopted before July 1, 2016. This includes only the Southern Water Use Caution Area (SWUCA) and the Dover/Plant City Water Use Caution Area (Dover/Plant City WUCA) Recovery Strategies.

(2) By inclusion, the Department ensures that these recovery strategies remain in effect in the areas currently covered by these strategies within the Southwest Florida Water Management District (SWFWMD). Nothing in this rule shall be interpreted to apply these recovery strategies to other areas within the CFWI Area.

(3) The Department hereby adopts and incorporates by reference herein the following provisions of Chapter 40D-2, F.A.C., and Chapter 40D-80, F.A.C., which shall apply to all applicants located within the SWUCA or Dover/Plant City WUCA, as applicable:

(a) Paragraph 40D-2.801(3)(b), F.A.C., effective May 19, 2014, including all subparts, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>;

(b) Paragraph 40D-2.801(3)(c), F.A.C., effective May 19, 2014, including all subparts <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>,

(c) Rule 40D-80.074, F.A.C., effective May 19, 2014, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, entitled “Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area”;

(d) Rule 40D-80.075, F.A.C., effective May 19, 2014, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, entitled “Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area”;

(e) Paragraph 40D-2.331(2)(b), F.A.C., effective September 29, 2015, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, relating to all requests to self-relocate or to increase withdrawals that impact or are projected to impact a water body with an established Minimum Flow or Level;

(f) Rule 40D-2.621, F.A.C., effective date May 19, 2014, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, relating to individual consumptive use permits for irrigation;

(4) The Department hereby adopts and incorporates by reference the following provisions of the Southwest Florida Water Management District’s Applicant’s Handbook, Part B, effective date February 18, 2020, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>;

11553, which shall apply to all applicants located within the SWUCA or Dover/Plant City WUCA, as applicable, and shall be used in addition to provisions of the Supplemental Applicant’s Handbook, incorporated by reference in Subsection 62-41.302(1), F.A.C., where notated:

(a) Section 2.1, relating to the demonstration of water need,

(b) Section 2.1.1.4, inclusive of all subsections, relating to Water Use Permits with alternative water supplies in the SWUCA or Dover/Plant City WUCA”;

(c) Section 2.2.4, regarding the loss of alternative water supplies;

(d) Sections 2.3.7, inclusive of all subsections and 2.4.8.4 inclusive of all subsections, relating to public supply use demand. For the purposes of implementing this Section, the Department hereby also incorporates by reference SWFWMD’s Applicant’s Handbook, Part D, effective date May 19, 2014, <https://www.flrules.org/Gateway/reference.asp?No=Ref-03840>;

(e) Section 2.4.3.1.1 and 2.4.3.1.7, providing for the calculation of allocation. For the purposes of implementing this Section, the Department hereby also incorporates by reference SWFWMD’s Agricultural Water Allotment Form, Form No. LEG-R.042.00, effective date May 19, 2014, <https://www.flrules.org/Gateway/reference.asp?No=Ref-03845>;

(f) Section 2.4.7.1.5, inclusive of all subsections, relating to golf course conservation requirements;

(g) Section 2.4.8.5, applicable to all wholesale public supply applicants located within the SWUCA;

(h) Section 3.9.2, inclusive of all subsections, providing regulatory requirements in the SWUCA;

(i) Section 3.9.4, inclusive of all subsections, providing regulatory requirements in the Dover/Plant City WUCA;

(j) Section 4.1.1, relating to water flow monitoring and calibration as applicable within the Dover/Plant City WUCA and SWUCA;

(k) Section 4.3.1, relating to groundwater level monitoring requirements within the SWUCA;

(l) Section 4.4.1, inclusive of all subsections; relating to irrigation crop reports within the SWUCA;

(m) Section 4.4.2, relating to irrigation pumpage compliance within the SWUCA; and

(n) Section 4.4.13, regarding reporting requirements for landscape/recreation irrigation water use within the SWUCA.

(5) Application forms promulgated by the SWFWMD to implement this strategy are hereby incorporated by reference as below. These forms shall be in addition to the application and forms otherwise provided as part of a consumptive use permit application.

(a) Within the SWUCA, an Applicant shall submit the forms required by Rule 40D-2.101(5), F.A.C., effective date

May 19, 2014, adopted and incorporated by reference herein, <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(b) Within the Dover/Plant City WUCA, an Applicant shall submit the forms required by Rule 40D-2.101(6), F.A.C., effective date May 19, 2014, adopted and incorporated by reference _____ herein,

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

Rulemaking Authority 373.043, 373.0465, 373.171 FS. Law Implemented 373.019, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Christina Coger

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Noah Valenstein

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 30, 2016, in Vol 42, No. 252 (in compliance with 2016-1 Laws of Florida), March 21, 2019, in Vol. 45, No. 56, and June 25, 2020, in Vol. 46, No. 124 of the Florida Administrative Register.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

RULE NOS.: RULE TITLES:

73A-5.001 Applicability and Limitations

73A-5.002 Definitions

73A-5.003 Tables

73A-5.004 Application for Approval to Earn Tax Credits or to Create Transferable Tax Credits

73A-5.005 Application for Certification Process

73A-5.006 Revocation or Modification

PURPOSE AND EFFECT: Chapter 73A, F.A.C., implements Section 220.194, Florida Statutes, which implements a Space Flight incentive program with a deadline that passed in 2017. The Department is seeking to repeal rules 73A-5.001, .002, .003, .004, .005, and .006, which pertain to the application process and are no longer necessary.

SUMMARY: The rules to be repealed are no longer necessary as the incentive program application deadline has lapsed and no further applications will be accepted.

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.

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: 220.194(8), F.S.

LAW IMPLEMENTED: 220.194, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dominique Young, Office of the General Counsel, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, FL, 32399, (850) 245-7150, Dominique.Young@deo.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

73A-5.001 Applicability and Limitations

Rulemaking Authority 220.194(8) FS. Law Implemented 220.194 FS. History--New 1-1-14, Repealed.

73A-5.002 Definitions

Rulemaking Authority 220.194(8) FS. Law Implemented 220.194 FS. History--New 1-1-14, Repealed.

73A-5.003 Tables

Rulemaking Authority 220.194(8) FS. Law Implemented 220.194 FS. History--New 1-1-14, Repealed.

73A-5.004 Application for Approval to Earn Tax Credits or to Create Transferable Tax Credits

Rulemaking Authority 220.194(8) FS. Law Implemented 220.194 FS. History--New 1-1-14, Repealed.

73A-5.005 Application for Certification Process

Rulemaking Authority 220.194(8) FS. Law Implemented 220.194 FS. History--New 1-1-14, Repealed.

73A-5.006 Revocation or Modification

Rulemaking Authority 220.194(8) FS. Law Implemented 220.194 FS. History--New 1-1-14, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dominique Young

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dane Eagle

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/21/2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/29/2020

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.099813 Education Program Improvement Process
for Department of Juvenile Justice Programs

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. 46 No. 201, October 14, 2020 issue of the Florida Administrative Register. The State Board of Education approved this rule with the following changes:

(1) through (9) No change.

(10) Requirement to Establish New DJJ Education Program Provider. Unless the provisions of subsection (11) apply, if the DJJ education program does not have a performance rating of “Acceptable” or “Commendable” at the end of the three-year monitoring period, the school district must take one of the following actions within no more than six (6) months:

(a) through (b) No change.

(11) Extension of Program Improvement. In order for the Department to grant a request for an extension of the program improvement process for a DJJ education program that has not achieved a rating of “Acceptable” or “Commendable” at the end of the three-year monitoring period, the request must:

(a) Be made by a school district;

(b) Demonstrate improvement in the percentage of possible points earned by the program in its accountability rating during the three-year monitoring period; and

(c) Include a plan reasonably designed to achieve a rating of at least “Acceptable” within one (1) year.

(12) Failure to comply with the requirements of this rule may subject a school district to the remedies provided in section 1008.32, F.S.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-14.001 Definitions

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. 46 No. 156, August 11, 2020 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the Board at the public telephonic meeting held October 9, 2020. The rule shall now read as follows:

64B9-14.001 Definitions.

As used in this chapter, the following mean:

(1) No change.

(2) "Home health aide" means a person defined in section 400.462(15), F.S., and trained or qualified under Rule 59A-38.001(8), F.A.C., hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->

(3) through (15) No change.

Rulemaking Authority 464.006 FS. Law Implemented 464.003(17),(18), (19), (20), 456.072(1)(p) FS. History--New 1-1-96, Amended 4-29-96, Formerly 59S-14.001, Amended. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.003
 RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 46 No. 205, October 20, 2020 issue of the Florida Administrative Register.

RULEMAKING AUTHORITY: 206.606, 327.04, 327.47, 376.15(3)(d), 379.106 F.S.

LAW IMPLEMENTED: 206.606, 327.47, 328.72, 376.15(3)(d), (e), 379.106 F.S.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO RULE TITLE:
 68B-27.013 Definitions
 68B-27.014 Statewide Bag Limits on Oyster Harvesting
 68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions
 68B-27.018 Statewide Harvesting Restrictions
 68B-27.019 Seasons

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 46 No. 169, August 28, 2020 Florida Administrative Register has been continued from October 7-8, 2020, starting at 9:00 a.m.

each day, Communications Media Technology, specifically Adobe Connect and Teleconference to December 16-17, 2020, starting at 9:00 a.m. each day, Communications Media Technology, specifically Adobe Connect and Teleconference.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:	RULE TITLES:
69V-559.1000	Disciplinary Guidelines
69V-559.1012	Adoption of Forms
69V-559.1013	Electronic Filing of Forms and Fees
69V-559.102	Application or Appointment Procedures and Requirement
69V-559.1021	Application Evaluation
69V-559.103	Application for Branch Offices and Appointment of Authorized Vendors
69V-559.104	Changes to License Information
69V-559.105	Application for Extension
69V-559.200	Operation of the Financial Technology Sandbox
69V-559.201	Bi-Annual Reports
69V-559.300	Net Worth and Bond
69V-559.800	Conclusion of Sandbox Period and Business Operations

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 46 No. 192, October 1, 2020 issue of the Florida Administrative Register.

This correction is made in response to comments made by the Joint Administrative Procedures Committee.

The notice of proposed rule is being corrected to indicate that legislative ratification is not required and states what information the Agency has relied upon for not preparing a SERC.

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 rules. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rules are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) A SERC checklist was completed and did not trigger the requirement of a SERC pursuant to Section 120.541(1), F.S.; and 2) The rules will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:	RULE TITLES:
69V-559.1012	Adoption of Forms
69V-559.1013	Electronic Filing of Forms and Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with section 120.54(3)(d)1., F.S., published in Vol. 46 No. 192, October 1, 2020 issue of the Florida Administrative Register.

These changes are made in response to comments made by the Joint Administrative Procedures Committee.

69V-559.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and adopted by this rule for the purposes of Rules 69V-559.1000-800, F.A.C.:

(a) through (f) No change.

(g) Request for Exemption from Electronic Filing Requirements, Form OFR-559-FTS-008, effective XX-XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(2) No change.

The following changes have been made to incorporated forms:

- OFR-559-FTS-001:
The form was amended to address revisions to the number of consumers served beyond the initial 15,000. The form was amended to narrow the scope of requested documentation to avoid a violation of section 120.52(8)(d), Florida Statutes. The form was amended to identify a publicly traded applicant. The form was amended to identify questions specific to chapter 560, F.S., applicants. The signature portion of the form was amended to remove penalty of perjury language. The form was amended to make necessary disclosures relating to the collection of social security numbers. The form was amended to correct cross references. The form was amended to correct statutory citations. The form was amended to make grammatical corrections and to correct mis-numbered paragraphs.
- OFR-559-FTS-002:
The signature portion of the form was amended to remove penalty of perjury language. The form was amended to make necessary disclosures related to the collection of social security numbers.

- OFR-559-FTS-003:
The signature portion of the form was amended to remove penalty of perjury language.
- OFR-559-FTS-004:
The signature portion of the form was amended to remove penalty of perjury language.

69V-559.1013 Electronic Filing of Forms and Fees.

(1) through (3) No change.

(4) Any person may request an exemption from the electronic filing requirements of this rule due to a technological or financial hardship by submitting Form OFR-559-FTS-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Consumer Finance, Bureau of Registration, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-559-FTS-08, is incorporated by reference in Rule 69V-559.1012, F.A.C.

**Section IV
Emergency Rules**

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:
64ER20-38 Submission of Product for Testing

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2020-114, § 14, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2020-114, §14, Laws of Florida, to adopt emergency rules to implement section 381.986, Florida Statutes.

SUMMARY: Emergency Rule 64ER20-38 repeals and replaces 64ER20-8, F.A.C. This emergency rule requires Certified Marijuana Testing Laboratories (CMTLs) to collect random and representative samples of Final Product from Medical Marijuana Treatment Centers (MMTCs) for regulatory compliance testing. The emergency rule establishes procedures for CMTLs to follow when sampling, tracking, transporting, and storing samples from MMTCs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Christopher Ferguson at Christopher.Ferguson@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER20-38 Submission of Product for Testing

(1) A CMTL must collect from an MMTC a random and representative sample of Final Product from every Retail Batch for regulatory compliance testing. The CMTL must follow its field sampling protocol approved under its scope of ISO 17025 accreditation.

(2) At the time of selection, the CMTL must confirm within the MMTC's seed-to-sale system that the total quantity of Final Products in the Retail Batch from which a sample is being selected matches the total quantity of Final Products in the Retail Batch denoted in the system.

(3) A CMTL must develop and implement a chain of custody protocol to ensure accurate documentation is recorded for the transport, handling, storage, and destruction of samples. The protocol must include use of a log form developed by the CMTL. The CMTL must use the CMTL's chain of custody log to record the following information for each Retail Batch sampled:

(a) CMTL's name and address;

(b) Date and time sampling started and ended;

(c) MMTC's name and address where the sample was collected;

(d) The Retail Batch number of the batch from which the sample was obtained and the assigned unique sample identifier;

(e) Sample Matrix;

(f) Total Retail Batch size, by weight or volume;

(g) Total quantity of Final Products in the Retail Batch;

(h) Total weight or volume of the sample;

(i) Sampling conditions or problems encountered during the sampling process, if any;

(j) Printed name and signature of the MMTC representative who was present and granted access to the Final Products for sampling;

(k) Printed CMTL Employee ID number and signature of the CMTL Sampler; and

(l) The date and time the sample departed from the MMTC's premises and when it arrived at the CMTL, along with the names and signatures of the CMTL Employees involved in the transport of the samples.

(4) The CMTL must homogenize all Final Products into one Testing Sample for each Retail Batch sampled, except in the case of homogeneity testing of edibles. A minimum of three (3) Final Products must be sampled from each Retail Batch. The number of Final Products chosen for testing from a Retail Batch must be enough total weight or volume to satisfy the following:

(a) If all testing of a Retail Batch is to be performed by one CMTL, 0.35% of the total volume or weight of the Retail Batch must be collected by the CMTL. In no event, however, may the CMTL collect less than a 15g or 15ml sample.

(b) If testing of a Retail Batch is to be performed by multiple CMTLs, 0.20% of the total volume or weight of the Retail Batch must be collected by each CMTL. In no event, however, may the CMTL collect less than 6g or 6ml for the first test, and 2g or 2ml collected for each additional test performed by the same CMTL.

(c) For Total Combined Yeast and Mold in Usable Whole Flower Marijuana, a minimum of 10g of additional Final Product must be sampled and tested.

(5) The CMTL may, if necessary, collect more Final Product in order to ensure all tests are completed accurately.

(6) The CMTL must ensure that samples are transported and stored in a manner that prevents degradation, contamination, comingling, and tampering. The CMTL's original chain of custody log must accompany the samples at all times during transport. Samples must be packaged by the CMTL at the MMTC facility where the sampling takes place, and the package must be sealed with a Tamper Evident Device.

(7) For Microbiological Testing, Moisture, Water Activity, and Filth and Foreign Material tests, a CMTL must begin preparation of Testing Samples within 72 hours of collection as reflected in the CMTL's chain of custody log. For all other required tests, a CMTL must begin preparation of Testing Samples within seven (7) days of collection as reflected in the CMTL's chain of custody log.

(8) If a CMTL is unable to complete regulatory compliance testing after sampling the CMTL shall certify to the department in writing via email to OMMULabs@flhealth.gov why the testing could not be completed and provide a copy of the chain of custody log for the sample.

(9) A CMTL may resample and retest a previously failed Retail Batch as permitted by the MMTC Regulatory Compliance Testing rule. A previously failed Retail Batch is subject to the same sampling requirements as the initial sample and must undergo complete regulatory compliance testing in accordance with the CMTL Sample Testing rule.

(10) While transporting samples collected from an MMTC, a CMTL must ensure the samples are not visible to the public. Samples must be locked in a fully enclosed box, container, or cage that is secured to the inside of the vehicle used for transport. No portion of the enclosed box, container, or cage shall be comprised of any part of the body of the vehicle. For the purposes of this subsection, the inside of a vehicle includes the trunk. Vehicles used for transporting samples must be equipped with an operational alarm system.

(a) The CMTL must require at least two Employees to be in a vehicle transporting samples.

(b) The CMTL must not leave a vehicle containing samples unattended. One Employee shall remain with the vehicle transporting samples at all times.

(c) The CMTL must ensure that packages or containers holding samples are neither tampered with nor opened during transport.

(d) The CMTL must ensure that all vehicles used to transport samples are in good working order and receive regular maintenance.

(e) The CMTL transporting samples must only travel between MMTCs for whom the laboratory is conducting regulatory compliance testing or research and development testing and the CMTL's Testing Facility. A CMTL must not deviate from the travel requirements described herein, except for necessary rest, fuel, or vehicle repair stops.

(f) The CMTL may simultaneously transport multiple samples obtained from different MMTCs.

(g) No person under the age of 21 years old shall be in a vehicle transporting samples.

(h) Only CMTL Employees shall be in a vehicle while transporting samples.

(i) For any vehicle that will be utilized to transport samples that was not approved as part of the CMTL's initial application, the CMTL must provide the following information to the department, via email at OMMUlabs@flhealth.gov, prior to using such vehicle:

1. The year, make, model, license plate number, and Vehicle Identification Number (VIN); and
2. Proof of registration and insurance.

(j) Vehicles transporting samples are subject to inspection by the department at any time in accordance with CMTL Rules, Rulemaking Authority 381.986(8)(k), 381.988(3), 381.988(9), FS, Law Implemented 381.986, 381.988, FS, History-New .

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: November 17, 2020

DEPARTMENT OF HEALTH

RULE NO.: 64ER20-39
 RULE TITLE: CMTL Sample Testing
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2020-114, § 14, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.
 REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2020-114, § 14, Laws of Florida, to adopt emergency rules to implement section 381.986, Florida Statutes.
 SUMMARY OF THE RULE: Emergency Rule 64ER20-39 repeals and replaces 64ER20-9, F.A.C., and provides the

acceptable limits and testing requirements to be applied by Certified Marijuana Testing Laboratories when conducting regulatory compliance testing of Final Products from Medical Marijuana Treatment Centers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Christopher Ferguson at Christopher.Ferguson@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER20-39 CMTL Sample Testing

(1) CMTLs shall test Final Products for the following: tetrahydrocannabinol potency, concentration of cannabidiol, and Contaminants Unsafe for Human Consumption. Contaminants Unsafe for Human Consumption include Microbes, Mycotoxins, Residual Solvents, Heavy Metals, Agricultural Agents, and Filth and Foreign Material.

(a) Notwithstanding the Acceptable Limits associated with paragraphs (2)(c)-(i), results must be reported accurately to three (3) significant figures as the concentration in parts per million (ppm) or parts per billion (ppb).

(b) Any test result that exceeds enumerated Acceptable Limits constitutes a failure. All failures for Microbes, Mycotoxins, Residual Solvents, Heavy Metals, and Agricultural Agents must be confirmed by the CMTL through reanalysis of the failed Target Analyte using a portion of stored sample equal in size to the portion of the sample used in the first test. Reanalysis of a failed Target Analyte must occur after the first test that registered the initial failure is completed. If reanalysis results are acceptable, the CMTL must perform a second reanalysis using a portion of the stored sample, equal in size to the first sample, to determine the final test result and document the cause of the inconsistent results.

(c) Analytical Batches which include a previously failed sample being retested, either for reanalysis of a failed Target Analyte, or resampling and retesting of a previously failed Retail Batch, must include the failing analyte in the Spike Solution for Laboratory Fortified Blanks and Matrix Spikes at a concentration equal to or below one half the Acceptable Limit and above the instrument LOQ of the failing analyte.

(d) Any test result that meets the requirements of an enumerated Acceptable Limit is satisfactory. Any product that may be administered via multiple routes of administration is subject to the more stringent Acceptable Limit contained herein.

(e) All testing results must be verified and reported on a Certificate of Analysis (COA). All COAs reporting a testing failure must clearly show the analyte which failed and its concentration. Testing results must be reported by the CMTL to the MMTC by providing the COA for the Retail Batch within 24 hours of verification of the COA. All failures must be

reported to the department by providing the COA for the failed Retail Batch via email to OMMULabs@flhealth.gov within 24 hours of verification of the COA. For the purposes of this rule, a test result is considered verified when the Laboratory Director, or other qualified and authorized Employee, confirms the accuracy of the results in the COA.

(f) After resampling and retesting a previously failed Retail Batch, the CMTL must provide the following to the department via email to OMMULabs@flhealth.gov within 24 hours of verification of the COA:

1. The COA (whether passing or failing) of the previously failed Retail Batch; and

2. The Data Package for the failed Testing Field(s).

(2) The following are Acceptable Limits:

(a) Microbes; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Products including Edibles:

1. Shiga toxin producing Escherichia coli, less than 1 CFU per gram.

2. Any Salmonella species, less than 1 CFU per gram.

3. Aspergillus niger, Aspergillus fumigatus, Aspergillus flavus, Aspergillus terreus, less than 1 CFU per gram.

4. Total Aerobic microbial count, less than 100 CFU per gram in Non-Oral Transmucosal Products only.

5. Staphylococcus aureus, less than 1 CFU per gram in Non-Oral Transmucosal Products only.

6. Bile tolerant gram-negative bacteria, less than 1 CFU per gram in Non-Oral Transmucosal Products only.

(b) Total Combined Yeast and Mold; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Products including Edibles:

1. Less than 100,000 CFU per gram.

2. Less than 10 CFU per gram in Non-Oral Transmucosal Products only.

(c) Mycotoxins; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Products including Edibles:

1. B1 (CAS No. 1162-65-8), 20 parts per billion or less.

2. B2 (CAS No. 7220-81-7), 20 parts per billion or less.

3. G1 (CAS No. 1165-39-5), 20 parts per billion or less.

4. G2 (CAS No. 7241-98-7), 20 parts per billion or less.

5. Ochratoxin A (CAS No. 303-47-9), 20 parts per billion or less.

(d) Residual Solvents; Acceptable Limits for Derivative Products including Edibles:

1. Acetone (CAS No. 67-64-1), 750 parts per million or less.

2. Acetonitrile (CAS No. 75-05-8), 60 parts per million or less.

3. Benzene (CAS No. 71-43-3), one (1) part per million or less.

4. Butane (CAS No. 106-97-8), 5,000 parts per million or less.

5. Chloroform (CAS No. 67-66-3), two (2) parts per million or less.

6. 1, 2- dichloroethane (CAS No. 107-06-2), two (2) parts per million or less.

7. 1, 1- dichloroethene (CAS No. 75-35-4), eight (8) parts per million or less.

8. Ethanol (CAS No. 64-17-5), 5,000 parts per million or less. Products for topical administration, oral administration, and metered dose inhalers are exempt from the ethanol Acceptable Limit.

9. Ethyl acetate (CAS No. 141-78-6), 400 parts per million or less.

10. Ethyl ether (CAS No. 60-29-7), 500 parts per million or less.

11. Ethylene oxide (CAS No. 75-21-8), five (5) parts per million or less.

12. Heptane (CAS No. 142-82-5), 5,000 parts per million or less.

13. Hexane (CAS No. 110-54-3), 250 parts per million or less.

14. Isopropyl alcohol (CAS No. 67-63-0), 500 parts per million or less.

15. Methanol (CAS No. 67-56-1), 250 parts per million or less.

16. Methylene chloride (CAS No. 75-09-2), 125 parts per million or less.

17. Pentane (CAS No. 109-66-0), 750 parts per million or less.

18. Propane (CAS No. 74-98-6), 5,000 parts per million or less.

19. Trichloroethylene (CAS No. 79-01-6), 25 parts per million or less.

20. Toluene (CAS No. 108-88-3), 150 parts per million or less.

21. Total xylenes (m, p, o-xylenes) (CAS No. 1330-20-7), 150 parts per million or less.

(e) Heavy Metals; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Product meant for inhalation:

1. Lead (CAS No. 7439-92-1), less than 500 parts per billion.

2. Arsenic (CAS No. 7440-38-2), less than 200 parts per billion.

3. Cadmium (CAS No. 7440-43-9), less than 200 parts per billion.

4. Mercury (CAS No. 7439-97-6), less than 200 parts per billion.

(f) Heavy Metals; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Product not meant for inhalation including Edibles:

1. Lead (CAS No. 7439-92-1), less than 500 parts per billion.

2. Arsenic (CAS No. 7440-38-2), less than 1500 parts per billion.

3. Cadmium (CAS No. 7440-43-9), less than 500 parts per billion.

4. Mercury (CAS No. 7439-97-6), less than 3000 parts per billion.

(g) Agricultural Agents; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Product meant for inhalation:

1. Abamectin (CAS No.71751-41-2), 100 parts per billion or less.

2. Acephate (CAS No.30560-19-1), 100 parts per billion or less.

3. Acequinocyl (CAS No.57960-19-7), 100 parts per billion or less.

4. Acetamiprid (CAS No.135410-20-7), 100 parts per billion or less.

5. Aldicarb (CAS No.116-06-3), 100 parts per billion or less.

6. Azoxystrobin (CAS No.131860-33-8), 100 parts per billion or less.

7. Bifenazate (CAS No.149877-41-8), 100 parts per billion or less.

8. Bifenthrin (CAS No. 82657-04-3), 100 parts per billion or less.

9. Boscalid (CAS No. 188425-85-6), 100 parts per billion or less.

10. Captan (CAS No. 133-06-2), 700 parts per billion or less.

11. Carbaryl (CAS No. 63-25-2), 500 parts per billion or less.

12. Carbofuran (CAS No. 1563-66-2), 100 parts per billion or less.

13. Chlorantraniliprole (CAS No. 500008-45-7), 1000 parts per billion or less.

14. Chlordane (CAS No. 57-74-9), 100 parts per billion or less.

15. Chlorfenapyr (CAS No.122453-73-0), 100 parts per billion or less.

16. Chlormequat chloride (CAS No. 999-81-5), 1000 parts per billion or less.

17. Chlorpyrifos (CAS No.2921-88-2), 100 parts per billion or less.

18. Clofentezine (CAS No.74115-24-5), 200 parts per billion or less.

19. Coumaphos (CAS No.56-72-4), 100 parts per billion or less.

20. Cyfluthrin (CAS No.68359-37-5), 500 parts per billion or less.

21. Cypermethrin (CAS No.52315-07-8), 500 parts per billion or less.

22. Daminozide (CAS No.1596-84-5), 100 parts per billion or less.

23. Diazinon (CAS No.333-41-5), 100 parts per billion or less.

24. Dichlorvos (CAS No.62-73-7), 100 parts per billion or less.

25. Dimethoate (CAS No.60-51-5), 100 parts per billion or less.

26. Dimethomorph (CAS No.110488-70-5), 200 parts per billion or less.

27. Ethoprophos (CAS No.13194-48-4), 100 parts per billion or less.

28. Etofenprox (CAS No.80844-07-1), 100 parts per billion or less.

29. Etoazole (CAS No.153233-91-1), 100 parts per billion or less.

30. Fenhexamid (CAS No.126833-17-8), 100 parts per billion or less.

31. Fenoxycarb (CAS No.72440-01-8), 100 parts per billion or less.

32. Fenpyroximate (CAS No.134098-61-6), 100 parts per billion or less.

33. Fipronil (CAS No.120068-37-3), 100 parts per billion or less.

34. Flonicamid (CAS No.158062-67-0), 100 parts per billion or less.

35. Fludioxonil (CAS No.131341-86-1), 100 parts per billion or less.

36. Hexythiazox (CAS No.78587-05-0), 100 parts per billion or less.

37. Imazalil (CAS No.35554-44-0), 100 parts per billion or less.

38. Imidacloprid (CAS No.138261-41-3), 400 parts per billion or less.

39. Kresoxim-methyl (CAS No.143390-89-0), 100 parts per billion or less.

40. Malathion (CAS No.121-75-5), 200 parts per billion or less.

41. Metalaxyl (CAS No.57837-19-1), 100 parts per billion or less.

42. Methiocarb (CAS No.2032-65-7), 100 parts per billion or less.

43. Methomyl (CAS No.16752-77-5), 100 parts per billion or less.

44. Methyl parathion (CAS No.289-00-0), 100 parts per billion or less.

45. Mevinphos (CAS No.7786-34-7), 100 parts per billion or less.

46. Myclobutanil (CAS No.88671-89-0), 100 parts per billion or less.

47. Naled (CAS No.300-76-5), 250 parts per billion or less.

48. Oxamyl (CAS No.23135-22-0), 500 parts per billion or less.

49. Paclotrazol (CAS No.76738-62-0), 100 parts per billion or less.

50. Pentachloronitrobenzene (CAS No.82-68-8), 150 parts per billion or less.

51. Permethrin (CAS No.52645-53-1), 100 parts per billion or less.

52. Phosmet (CAS No.732-11-6), 100 parts per billion or less.

53. Piperonyl butoxide (CAS No.51-03-6), 3000 parts per billion or less.

54. Prallethrin (CAS No.23031-36-9), 100 parts per billion or less.

55. Propiconazole (CAS No.60207-90-1), 100 parts per billion or less.

56. Propoxur (CAS No.144-26-1), 100 parts per billion or less.

57. Pyrethrins (CAS No.8003-34-7), 500 parts per billion or less.

58. Pyridaben (CAS No.96489-71-3), 200 parts per billion or less.

59. Spinetoram (CAS No.187166-15-0), 200 parts per billion or less.

60. Spinosad A and D (CAS No.168316-95-8, 131929-60-7), 100 parts per billion or less.

61. Spiromesifen (CAS No.283594-90-1), 100 parts per billion or less.

62. Spirotetramat (CAS No.203313-25-1), 100 parts per billion or less.

63. Spiroxamine (CAS No.118134-30-8), 100 parts per billion or less.

64. Tebuconazole (CAS No.107534-96-3), 100 parts per billion or less.

65. Thiacloprid (CAS No.111988-49-9), 100 parts per billion or less.

66. Thiamethoxam (CAS No.153719-23-4), 500 parts per billion or less.

67. Trifloxystrobin (CAS No.141517-21-7), 100 parts per billion or less.

The list above of Agricultural Agents does not constitute authorization to use or apply any of those Agricultural Agents during the cultivation or processing of marijuana.

(h) Agricultural Agents; Acceptable Limits for Usable Whole Flower Marijuana and Derivative Product not meant for inhalation, including Edibles:

1. Abamectin (CAS No.71751-41-2), 300 parts per billion or less.

2. Acephate (CAS No.30560-19-1), 3000 parts per billion or less.

3. Acequinocyl (CAS No.57960-19-7), 2000 parts per billion or less.

4. Acetamiprid (CAS No.135410-20-7), 3000 parts per billion or less.

5. Aldicarb (CAS No.116-06-3), 100 parts per billion or less.

6. Azoxystrobin (CAS No.131860-33-8), 3000 parts per billion or less.

7. Bifenazate (CAS No.149877-41-8), 3000 parts per billion or less.

8. Bifenthrin (CAS No. 82657-04-3), 500 parts per billion or less.

9. Boscalid (CAS No. 188425-85-6), 3000 parts per billion or less.

10. Captan (CAS No. 133-06-2), 3000 parts per billion or less.

11. Carbaryl (CAS No. 63-25-2), 500 parts per billion or less.

12. Carbofuran (CAS No. 1563-66-2), 100 parts per billion or less.

13. Chlorantraniliprole (CAS No. 500008-45-7), 3000 parts per billion or less.

14. Chlordane (CAS No. 57-74-9), 100 parts per billion or less.

15. Chlorfenapyr (CAS No.122453-73-0), 100 parts per billion or less.

16. Chlormequat chloride (CAS No. 999-81-5), 3000 parts per billion or less.

17. Chlorpyrifos (CAS No.2921-88-2), 100 parts per billion or less.

18. Clofentezine (CAS No.74115-24-5), 500 parts per billion or less.

19. Coumaphos (CAS No.56-72-4), 100 parts per billion or less.

20. Cyfluthrin (CAS No.68359-37-5), 1000 parts per billion or less.

21. Cypermethrin (CAS No.52315-07-8), 1000 parts per billion or less.

22. Daminozide (CAS No.1596-84-5), 100 parts per billion or less.

23. Diazinon (CAS No.333-41-5), 200 parts per billion or less.

24. Dichlorvos (CAS No.62-73-7), 100 parts per billion or less.

25. Dimethoate (CAS No.60-51-5), 100 parts per billion or less.

26. Dimethomorph (CAS No.110488-70-5), 3000 parts per billion or less.

27. Ethoprophos (CAS No.13194-48-4), 100 parts per billion or less.

28. Etofenprox (CAS No.80844-07-1), 100 parts per billion or less.

29. Etoxazole (CAS No.153233-91-1), 1500 parts per billion or less.

30. Fenhexamid (CAS No.126833-17-8), 3000 parts per billion or less.

31. Fenoxycarb (CAS No.72440-01-8), 100 parts per billion or less.

32. Fenpyroximate (CAS No.134098-61-6), 2000 parts per billion or less.

33. Fipronil (CAS No.120068-37-3), 100 parts per billion or less.

34. Flonicamid (CAS No.158062-67-0), 2000 parts per billion or less.

35. Fludioxonil (CAS No.131341-86-1), 3000 parts per billion or less.

36. Hexythiazox (CAS No.78587-05-0), 2000 parts per billion or less.

37. Imazalil (CAS No.35554-44-0), 100 parts per billion or less.

38. Imidacloprid (CAS No.138261-41-3), 3000 parts per billion or less.

39. Kresoxim-methyl (CAS No.143390-89-0), 1000 parts per billion or less.

40. Malathion (CAS No.121-75-5), 2000 parts per billion or less.

41. Metalaxyl (CAS No.57837-19-1), 3000 parts per billion or less.

42. Methiocarb (CAS No.2032-65-7), 100 parts per billion or less.

43. Methomyl (CAS No.16752-77-5), 100 parts per billion or less.

44. Methyl parathion (CAS No.289-00-0), 100 parts per billion or less.

45. Mevinphos (CAS No.7786-34-7), 100 parts per billion or less.

46. Myclobutanil (CAS No.88671-89-0), 3000 parts per billion or less.

47. Naled (CAS No.300-76-5), 500 parts per billion or less.

48. Oxamyl (CAS No.23135-22-0), 500 parts per billion or less.

49. Pacllobutrazol (CAS No.76738-62-0), 100 parts per billion or less.

50. Pentachloronitrobenzene (CAS No.82-68-8), 200 parts per billion or less.

51. Permethrin (CAS No.52645-53-1), 1000 parts per billion or less.

52. Phosmet (CAS No.732-11-6), 200 parts per billion or less.

53. Piperonyl butoxide (CAS No.51-03-6), 3000 parts per billion or less.

54. Prallethrin (CAS No.23031-36-9), 400 parts per billion or less.

55. Propiconazole (CAS No.60207-90-1), 1000 parts per billion or less.

56. Propoxur (CAS No.144-26-1), 100 parts per billion or less.

57. Pyrethrins (CAS No.8003-34-7), 1000 parts per billion or less.

58. Pyridaben (CAS No.96489-71-3), 3000 parts per billion or less.

59. Spinetoram (CAS No.187166-15-0), 3000 parts per billion or less.

60. Spinosad A and D (CAS No.168316-95-8, 131929-60-7), 3000 parts per billion or less.

61. Spiromesifen (CAS No.283594-90-1), 3000 parts per billion or less.

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63. Spiroxamine (CAS No.118134-30-8), 100 parts per billion or less.

64. Tebuconazole (CAS No.107534-96-3), 1000 parts per billion or less.

65. Thiachloprid (CAS No.111988-49-9), 100 parts per billion or less.

66. Thiamethoxam (CAS No.153719-23-4), 1000 parts per billion or less.

67. Trifloxystrobin (CAS No.141517-21-7), 3000 parts per billion or less.

The list above of Agricultural Agents does not constitute authorization to use or apply any of those Agricultural Agents during the cultivation or processing of marijuana.

(i) Total Contaminant Load; Acceptable Limits for:

1. Usable Whole Flower Marijuana and Derivative Product meant for inhalation, five (5) parts per million or less.

2. Usable Whole Flower Marijuana, Derivative Product, not meant for inhalation, including Edibles, 30 parts per million or less.

(j) A Testing Sample containing levels of any Microbe, Residual Solvent, Heavy Metal, or Agricultural Agent, that is not otherwise enumerated in this rule and that could be toxic if consumed or applied by a qualified patient, shall be deemed to fail Acceptable Limits testing.

(k) Water Activity; Acceptable Limits for Usable Whole Flower Marijuana, Derivative Product, including Edibles:

1. Usable Whole Flower Marijuana, Water Activity 0.65 Aw or less. A testing result of greater than 0.65 Aw in Usable Whole Flower Marijuana constitutes a failure for Water Activity.

2. Solid and semi-solid Derivative Product or Edible, Water Activity of 0.85 Aw or less, with the exception of water-based products which will not be held to Water Activity standards. A testing result of great than 0.85 Aw in a solid and semi-solid derivative product or edible constitutes a failure for Water Activity.

3. Results must be reported accurately to two (2) significant figures.

(l) CMTLs must test Usable Whole Flower Marijuana for Moisture content. Usable Whole Flower Marijuana that has a Moisture content below 15.0% is acceptable for Moisture content testing. A testing result of greater than 15.0% in Usable Whole Flower Marijuana constitutes a failure for Moisture. Results must be reported to the nearest tenth of a percent.

(m) Filth and Foreign Materials. Each Final Product sampled must be visually inspected by the CMTL for Filth and Foreign Materials before being used to create a Testing Sample. A testing result greater than the Acceptable Limit constitutes a failure for Filth and Foreign Material. Acceptable Limits for Usable Whole Flower Marijuana and Derivative Product, including Edibles:

1. Filth and Foreign Material (to include mold, mildew, fungus, hair, insects, packaging contaminants, processing waste, or other similar marijuana cultivation and manufacturing by-products), not more than an average of 1% by weight, or cover more than 10% of the total sample area.

2. Any feces, not more than 0.5 milligrams per kilogram.

(3) Potency Testing. Potency Testing for Usable Whole Flower Marijuana, and Derivative Product, including Edibles must include the amount, in milligrams, of total active THC and total active CBD in the Final Product. The total amount of active THC and active CBD in non-inhalation Derivative Products and in Edibles must be reported in milligrams, accurate to three (3) significant figures, as the concentration of THC and CBD in milligrams per gram multiplied by the total weight of the product. For inhalation Derivative Products and Usable Whole Flower Marijuana, total active THC in milligrams must be calculated as the concentration of THC + (concentration of THCA multiplied by 0.877) in milligrams per gram multiplied by the total weight of the product. For inhalation Derivative Products and Usable Whole Flower Marijuana, total active CBD in milligrams must be calculated as the concentration of CBD + (concentration of CBDA multiplied by 0.877) in milligrams per gram multiplied by the total weight of the product. Usable Whole Flower Marijuana Potency must be reported at the CMTL-tested Moisture content. If testing Potency on Usable Whole Flower Marijuana at a Moisture content less than the tested Moisture content, the testing results must be corrected to report Potency results at the CMTL-tested Moisture content (e.g. If testing Potency at 0 percent moisture, the following formula would apply: Potency

at CMTL-tested Moisture = Tested Potency Value x ((100-Percent Moisture of Sample) ÷ 100).

(4) Cannabinoid Profile. The Cannabinoid Profile results must be reported as a percentage, accurate to three significant figures, as the concentration in milligrams per gram of each individual cannabinoid divided by the total concentration of all cannabinoids in milligrams per gram multiplied by 100. The CMTL must test for the following cannabinoids:

(a) d9-Tetrahydrocannabinoid (d9-THC), CAS No. 1972-08-3.

(b) d8-Tetrahydrocannabinoid (d8-THC), CAS No. 5957-75-5.

(c) d9-Tetrahydrocannabinolic acid (THCA), CAS No. 23978-85-0.

(d) Tetrahydrocannabivarin (THCV), CAS No. 31262-37-0.

(e) Cannabidiol (CBD), CAS No. 13956-29-1.

(f) Cannabidiolic acid (CBDA), CAS No. 1244-58-2.

(g) Cannabidivarin (CBDV), CAS No. 24274-48-4.

(h) Cannabigerol (CBG), CAS No. 25654-31-3.

(i) Cannabigerolic acid (CBGA), CAS No. 25555-57-1.

(j) Cannabinol (CBN), CAS No. 521-35-7.

(k) Cannabichromene (CBC), CAS No. 20675-51-8.

(5) Samples are not required to be labeled for potency. If included on the sample label by an MMTc, potency concentrations must meet the following criteria:

(a) If the tested concentration per Final Product of total active THC, total active CBD, or any individual cannabinoid is greater than 25 milligrams, the concentration printed on the Final Product packaging may vary by 10% of the tested concentration.

(b) If the tested concentration per Final Product of total active THC, total active CBD, or any individual cannabinoid is 25 milligrams or less, the concentration printed on the Final Product packaging may vary by 50% of the tested concentration.

(c) If the tested concentration per Final Product of total active THC, total active CBD, or any individual cannabinoid is 10 milligrams or less, the tested concentration printed on the Final Product packaging must also be 10 milligrams or less.

Labeled potency concentrations that fall outside of these specifications result in a failure for labeled potency.

(6) When testing Edibles, CMTLs must test for potency and must perform homogeneity testing for multi-serving edibles.

(a) A multi-serving edible may not contain more than 200 milligrams of THC. A single serving edible or a single serving portion of a multi-serving edible may not exceed 10 milligrams of THC. Edibles may have a potency variance of up to 15 percent from the 200 milligram and 10 milligram THC

thresholds. An edible that exceeds the allowable variance constitutes a failure.

(b) Homogeneity sampling and testing of multi-serving Edibles shall be in accordance with the following table. Edible batch sizes are capped at 5,000 Final Products per Retail Batch:

<u>TOTAL NUMBER OF FINAL PRODUCTS IN THE RETAIL BATCH</u>	<u>NUMBER OF FINAL PRODUCTS TO BE SAMPLED</u>	<u>SINGLE SERVINGS TESTED PER FINAL PRODUCT</u>	<u>TOTAL NUMBER OF SINGLE SERVINGS TESTED</u>
<u>1-249</u>	<u>1</u>	<u>3</u>	<u>3</u>
<u>250-499</u>	<u>2</u>	<u>3</u>	<u>6</u>
<u>500-749</u>	<u>3</u>	<u>3</u>	<u>9</u>
<u>750-999</u>	<u>4</u>	<u>3</u>	<u>12</u>
<u>1000-1199</u>	<u>6</u>	<u>2</u>	<u>12</u>
<u>1200-1399</u>	<u>7</u>	<u>2</u>	<u>14</u>
<u>1400-1599</u>	<u>8</u>	<u>2</u>	<u>16</u>
<u>1600-1799</u>	<u>9</u>	<u>2</u>	<u>18</u>
<u>1800-1999</u>	<u>10</u>	<u>2</u>	<u>20</u>
<u>2000-2499</u>	<u>11</u>	<u>2</u>	<u>22</u>
<u>2500-2999</u>	<u>12</u>	<u>2</u>	<u>24</u>
<u>3000-3999</u>	<u>13</u>	<u>2</u>	<u>26</u>
<u>4000-5000</u>	<u>14</u>	<u>2</u>	<u>28</u>

(c) The percent relative standard deviation of each Retail Batch of edibles must be calculated using Total Active THC and Total Active CBD values from all servings tested using the following formula: Percent Relative Standard Deviation = (Standard Deviation of Sample / Average of Sample) x 100. A percent relative standard deviation greater than 25% constitutes a failure of homogeneity testing.

(7) CMTLs must report any Testing Sample that is found to contain a level of any contaminant not listed in this rule that could be injurious to human health if consumed or otherwise introduced to the human body. The CMTL must report such findings to the MMTC from which the sample was collected and to the department at OMMUlabs@flhealth.gov within 24 hours of the finding. Test results of samples tested for research and development purposes only are not required to be reported to the department.

(a) Any COA generated for research and development samples must be clearly labeled “R&D ONLY NOT FOR RETAIL.”

(b) Any COA generated by the testing of non-marijuana products (water, growth medium, nutrients, product ingredient, product packaging) must accurately describe the material tested.

(8) CMTLs must maintain at least one sterile untested portion of each Testing Sample, whether having passed or failed any testing. These Testing Samples must be securely stored for a minimum of 45 days before being destroyed. Every Testing Sample that is destroyed must be logged by the CMTL. Testing Samples that have been stored a minimum of 45 days may be used by the CMTL for in-house method development and validation prior to being destroyed.

Rulemaking Authority 381.986(8)(k), 381.986(8)(e)11.d., 381.988(3), 381.988(9) FS. Law Implemented 381.986, 381.988, FS. History—New _____.

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

EFFECTIVE DATE: November 17, 2020

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13ER20-40 Satisfaction of Continuing Education and Meeting Attendance Requirements Through Online or Virtual Live Technology.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Board of Optometry (“Board”) is statutorily mandated to require up to thirty (30) hours of Continuing Education (“CE”) for Optometrists as a prerequisite to biennial licensure renewal for licensees.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency regarding the spread of the Novel Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 disease is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of October 12, 2020, there are over 736,000 confirmed cases of COVID-19 disease in the State of Florida. The Center for Disease Control (“CDC”) recommends mitigation measures to combat the spread of COVID-19 disease such as “social distancing,” wearing masks in public, staying home when sick, keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential travel and to avoid in-person gatherings. Even though mitigation measures have

been successful in “slowing the spread,” the risk of public infection remains high.

Since the issuance of the Executive Orders and declaration of a public health emergency by the Governor and the State Health Officer, the Board has determined that certain online technologies, including video streaming/videoconferencing, can provide a level of quality which, due to the ongoing public health emergency, could be used as a temporary alternative method of delivery of CE courses and virtual meeting participation, and which would satisfy the purpose and intent of the statute and promulgated rules, without exposure to the dangers of being in large groups of people, necessity of travel itself, potential contribution to the spread of the virus, and most importantly, would ensure compliance with the State Health Officer’s Orders and CDC Recommendations.

Florida’s Optometrists, and those who come in contact with them, should not be unnecessarily put at risk during this healthcare emergency. Accordingly, the Board, by emergency rule, will authorize licensees to satisfy CE and meeting attendance requirements through live in-person or virtual-live interactive synchronous online format which will begin on December 1, 2020 and end on February 28, 2021. The Board finds that this action is a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 disease to Floridians, and those licensees who reside outside of the state of Florida who would have to travel to and from Florida, including Optometrists and those that come in contact with them, while still satisfying the purpose and intent of the waived requirements.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Given the ongoing declared emergency related to the COVID-19 pandemic, and the guidance from the CDC; that optometrists are required to attend in-person continuing education courses and/or live meeting attendance to fulfill renewal requirements, the Board finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. Notice of this meeting was published in the Florida Administrative Register in Volume 46, No. 203 on October 16, 2020. In addition, notice of the meeting was posted on the Board’s official website.

SUMMARY: The emergency rule authorizes licensees to obtain all required continuing education hours by live in-person or virtual-live interactive synchronous online formats.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Anthony B. Spivey, Dr.BA, Executive Director, Florida Board of Optometry, Anthony.Spivey@flhealth.gov, 850.245.4355.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B13ER20-40 Satisfaction of Continuing Education Requirements Through On-line or Virtual Live Technology

(1) From December 1, 2020 through and including February 28, 2021, all Florida Board of Optometry licensees may obtain all required continuing education hours by live in-person or virtual-live interactive synchronous online format.

(2) All applications for virtual-live interactive synchronous online courses shall be submitted for board approval for each individual course offering. As part of the application, the course provider must outline the manner in which attendees will be monitored for attendance, including that participants shall be visible to the provider for the duration of the course. The provider shall supply a report of attendee participation to CE Broker after the course is completed documenting that each participant attended the entire 50 minutes per credit hour.

(3) Transcript quality courses must have the capability of being submitted and graded electronically.

(4) All other requirements for continuing education courses listed in Rule 64B13-5.002, Florida Administrative Code, shall remain in force.

Rulemaking Authority 456.013, 463.005, 463.007, FS. Law Implemented 456.013, 456.036, 463.007, FS. History—New 12-01-20.

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

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EFFECTIVE DATE: 12-01-20

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: RULE TITLE:

5K-4.034 Hemp Extract

NOTICE IS HEREBY GIVEN that on November 13, 2020, the Department of Agriculture and Consumer Services, received a petition for variance or waiver filed by Patty Prince, regarding the requirement in paragraph 5K-4.034(4)(a), F.A.C. for Hemp Food Establishments to provide the most recent food safety inspection report from the Approved Source. Comments on this petition should be filed with the Division of Food Safety, 3125 Conner Blvd., Suite H, Tallahassee, FL 32399-1650 or by electronic mail to Chris.Hilliard@FDACS.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Chris Hilliard, Chief, Bureau of Food Inspection, at the above address.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:

40B-4.3030 Conditions for Issuance of Works of the District Permits

NOTICE IS HEREBY GIVEN that on October 29, 2020, the Suwannee River Water Management District, received a petition for a variance from Columbia County, P.O. Box 1529, Lake City, FL 32056. Pursuant to Section 120.542, F.S., Petitioner is seeking a variance from subsection 40B-4.3030(13), F.A.C., which provides that no construction, additions or reconstructions shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water. The applicant is requesting to construct handicapped parking. The project is located in Section 35, Township 7S, Range 16E of Columbia County, and has been assigned permit number ERP-023-204199-5, Rum Island Springs Park Improvements.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tilda Musgrove, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on November 10, 2020, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tampa Convention Center at 333 S Franklin St., Tampa, FL. Petitioner seeks an emergency variance of the requirements of Rules 2.4.1.5 and 2.15.9.2, ASME A17.1, 2013 edition, as adopted by Rule 61C-5.001, Florida Administrative Code that requires platform guards and bottom car clearances operations which poses a substantial hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2020-142).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on November 16, 2020, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Turban at 6899 Turban Ct., Ft. Myers, FL. Petitioner seeks an emergency variance of the requirements of Rules 2.4.1.5 and 2.15.9.2, ASME A17.1, 2013 edition, as adopted by Rule 61C-5.001, Florida Administrative Code that requires platform guards and bottom car clearances operations which poses a substantial hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2020-143).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on November 18, 2020, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and paragraph 5-202.11(A), 2017 FDA Food Code from AVOCADOS FOOD LLC located in Boca Raton. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sinks and 3 compartment sink.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

NOTICE IS HEREBY GIVEN that on November 16, 2020, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, received an emergency petition for a variance or waiver.

Petitioner's Name: License Acquisitions, LLC.

Rule No.: subsection 61D-4.004(3), F.A.C.

Nature of the rule for which variance or waiver is sought: The rule relates to permissible amendments to a permit holder's annual license to conduct races or games.

A copy of the Petition for variance or waiver may be obtained by contacting: Bryan Barber, Division of Pari-Mutuel Wagering, bryan.barber@myfloridalicense.com, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1761. Please reference DBPR Case No.: 2020-053044.

Any interested person or other agency may submit written comments within 5 days after the publication of this notice. Comments may be submitted by contacting: Bryan Barber, Division of Pari-Mutuel Wagering, bryan.barber@myfloridalicense.com, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1761.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: RULE TITLE:

68D-23.109 Additional Specifications for Information, Danger, and Regulatory Markers

NOTICE IS HEREBY GIVEN that on November 9, 2020, the Fish and Wildlife Conservation Commission, received a petition for a variance from the Additional Specifications for Information, Danger, and Regulatory Markers rule (subsection 68D-23.109 (3), Florida Administrative Code), which requires that the size of signs used as information, danger, or regulatory waterway markers shall be no smaller than three feet by three feet. The petition was submitted by the Pinellas County Parks and Conservation Resources Department and seeks a variance from the size restriction for signs posting Weedon Island Preserve as "No Trespassing." The Petitioner states most of this area is in very shallow waters or dry at low tide, smaller signs are better suited to the area and provide a much smaller footprint, smaller signs can be installed for significantly lower cost and effort while supporting enforcement, smaller signs are more conducive to the intended recreational experience and minimize visual intrusion, and the preserve needs to be marked to protect the archaeological resources. The Petitioner requests that a permanent variance be granted allowing for smaller information signs of 24" by 18" to mark Weedon Island Preserve, which is approximately 3,190 acres situated along Tampa Bay.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paul Schulz, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, FL 32399-1600, (850)617-9530, waterway.management@myfwc.com.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.023 Housing Credits General Program Procedures and Requirements

NOTICE IS HEREBY GIVEN that on November 18, 2020, the Florida Housing Finance Corporation, received a petition for waiver of subsections 67-48.023(5) and 67-48.023(7), Florida Administrative Code and RFA 2014-113 Exhibit F, Part 4(3)(c) from Promise in Brevard, LLC, which require the general contractor to execute the GCCC and a CPA to issue an unqualified audit report and unqualified opinion letter in connection with its submission of the GCCC.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

NOTICE IS HEREBY GIVEN that on November 18, 2020, the Florida Housing Finance Corporation, received a petition for waiver of subsection 67-48.002(95), Florida Administrative Code and the 2016 QAP from Hogan Creek Redevelopment Partners, LLC to approve the changes in the principals of the Applicant and co-developers, to the extent required, and to waive the timing requirements found in the 2016 QAP to allow the requested credit exchange to be approved before the fourth calendar quarter of 2021.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on

or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Center & Horse Park Authority (Executive Committee) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 1, 2020, 4:00 p.m.

PLACE: Location: Zoom/Conference Call, Dial in number: (929)436-2866, Meeting ID: 892 3675 8225, Passcode: 393171

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Agriculture Center & Horse Park Authority Executive Committee will conduct a meeting to discuss general business information.

A copy of the agenda may be obtained by contacting: Jason Reynolds via email at jreynolds@flhorsepark.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 2 days before the workshop/meeting by contacting: Jason Reynolds via email at jreynolds@flhorsepark.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).

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: Jason Reynolds via email at jreynolds@flhorsepark.com.

FLORIDA COMMISSION ON OFFENDER REVIEW

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

DATE AND TIME: Thursday, December 10, 2020, 10:00 a.m.; Wednesday, December 30, 2020, 10:00 a.m.

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

and correspondence regarding victims' rights, please email victimsquestions@fcor.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

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

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

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Heartland Regional Transportation Planning Organization (HRTPO) announces a public meeting to which all persons are invited.

DATE AND TIME: December 1, 2020, 10:30 a.m.

PLACE: Hendry County Emergency Operations Center (EOC), 4425 West SR 80, LaBelle, FL 33935

Or join by toll-free conference: 1(866)453-0405, Access Code: 4275032

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Glades-Hendry Transportation Disadvantaged (TD) Local Coordinating Board (LCB).

A copy of the agenda may be obtained by contacting: Marybeth Soderstrom, Transportation Director, at 1(863)534-7130 ext. 134 or at msoderstrom@cfrpc.org.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, December 8, 2020, 12:30 p.m., Aquifer Storage and Recovery (ASR) Science Plan Public Workshop

PLACE: This workshop will be conducted via Zoom, a media technology free for the public to use. https://zoom.us/webinar/register/WN_sfmf9PYsQcWNzHUlg e3D0A

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SFWMD will be hosting a public workshop on the Aquifer

Storage and Recovery (ASR) Science Plan to support the Lake Okeechobee Watershed Restoration Project. The ASR Science plan can also be applied to other applications of ASR in south Florida. The ASR Science Plan describes future plans of study to address uncertainties identified in the National Research Council (NRC) review of the ASR Regional Study. The purpose of the workshop is to discuss the NRC comments and potential studies to address remaining uncertainties as ASR wells are implemented in a phased approach.

The public and stakeholders will have an opportunity to view and comment during the workshop by utilizing the following link:

https://zoom.us/webinar/register/WN_sfmf9PYsQcWNzHUIge3D0A

This link can also be found on the District's website at www.SFWMD.gov/meetings which will go live at approximately 12:30 p.m. on December 8, 2020.

All of this workshop will be conducted via media technology. One or more members of the Governing Board of the South Florida Water Management District may attend the workshop. No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: Jennifer Aiton at jaiton@sfwmd.gov, or by visiting the District's website www.SFWMD.gov/calendar, seven days prior to the workshop.

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 seven days before the workshop/meeting by contacting: Rosie Byrd at rbyrd@sfwmd.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: Jennifer Aiton at jaiton@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.085 Early Intervention Services

The Agency for Health Care Administration announces a workshop to which all persons are invited.

DATE AND TIME: December 1, 2020, 1:00 p.m. – 1:30 p.m.

PLACE: Remote Listeners: Attendees may register for the workshop at:

<https://attendee.gotowebinar.com/register/2710989265811982348>. After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 59G-4.085, Early Intervention Services.

A copy of the agenda may be obtained by contacting: MedicaidRuleComments@ahca.myflorida.com. Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m. on December 2, 2020.

A copy of the agenda may be obtained by contacting: MedicaidRuleComments@ahca.myflorida.com.

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

The Board of Hearing Aid Specialists announces a public meeting to which all persons are invited.

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

PLACE: Please join my meeting from your computer or tablet using [GoToMeeting](https://global.gotomeeting.com/join/426088661) at <https://global.gotomeeting.com/join/426088661> or by smartphone (Toll Free) 1(866)899-4679 or (571)317-3117 using Access Code: 426-088-661

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridashearingaidspecialists.gov/meeting-information/>. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Department of Health, Board of Physical Therapy announces a public meeting to which all persons are invited.

DATES AND TIMES: December 10, 2020, 1:00 p.m. ET; December 11, 2020, 8:00 a.m. ET

PLACE: CORRECTED LOCATION:

Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/533017005>

You can also dial in using your phone. United States (Toll Free): 1(866)899-4679, Access Code: 533-017-005

Join from a video-conferencing room or system. Dial in or type: 67.217.95.2 or inroomlink.goto.com, Meeting ID: 533 017 005 or dial directly: 533017005@67.217.95.2 or 67.217.95.2##533017005

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/533017005>

GENERAL SUBJECT MATTER TO BE CONSIDERED:
GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by contacting: The Board of Physical Therapy, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the board office at (850)245-4373 or by visiting the website: <http://floridasphysicaltherapy.gov/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: The Department of Health at (850)245-4444. 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Opticianry

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

DATE AND TIME: January 15, 2021, 9:00 a.m. ET

PLACE: Please join my meeting from your computer, tablet or smartphone using GoToMeeting at <https://global.gotomeeting.com/join/811704693> or by

smartphone (Toll Free) 1(877)309-2073 or (646)749-3129 using Access Code: 811 704 693.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridasopticianry.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Opticianry

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

DATE AND TIME: May 14, 2021, 9:00 a.m. ET

PLACE: Please join my meeting from your computer, tablet or smartphone using GoToMeeting at <https://global.gotomeeting.com/join/523217053> or by smartphone (Toll Free) 1(866)899-4679 or (312)757-3117 using Access Code: 523-217-053

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridasopticianry.gov/meeting-information/>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued. For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotists and Prosthetists announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2021, 9:00 a.m. ET

PLACE: Please join my meeting from your computer, tablet or smartphone using GoToMeeting at <https://global.gotomeeting.com/join/397432069> or by smartphone (Toll Free) 1(866)899-4679 or (646)749-3117 using Access Code: 397-432-069

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridasorthotistsprosthetists.gov/meeting-information/>. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

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

DATE AND TIME: February 5, 2021, 9:00 a.m. ET

PLACE: Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Blvd. Orlando, FL 32827. Contact # (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridaspodiatricmedicine.gov/meeting-information/>. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

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

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

PLACE: Please join my meeting from your computer, tablet or smartphone using GoToMeeting at <https://global.gotomeeting.com/join/459426621> or by smartphone (Toll Free) 1(866)899-4679 or (312)757-3117 using Access Code: 459-426-621

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridaspodiatricmedicine.gov/meeting-information/>. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Athletic Training

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

DATE AND TIME: January 22, 2021, 7:30 a.m. ET

PLACE: Please join my meeting from your computer or tablet using **GoToMeeting** at <https://global.gotomeeting.com/join/708925109> or by smartphone (Toll Free) 1(877)309-2073 or (571)317-3129 using Access Code: 708-925-109

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

A copy of the agenda may be obtained by contacting the board office at (850)245-4292 or by visiting our website at <https://floridasathletictraining.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the board office at (850)245-4292.

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

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

For more information, you may contact the board office at (850)245-4292.

FISH AND WILDLIFE CONSERVATION COMMISSION

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

DATES AND TIMES: December 16, 2020, 9:00 a.m.; December 17, 2020, 9:00 a.m.

PLACE: Communications Media Technology, specifically Adobe Connect and Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC) will have a meeting to review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

This meeting is being held solely by communications media technology, specifically using adobe connect video with a telephone conference line for accepting public comment during

the meeting. The specific information about how to participate can be found at <http://myfwc.com/about/commission/commission-meetings>, or by going to MyFWC.com/About and clicking on “The Commission” and “Commission Meetings”.

A copy of the agenda may be obtained by contacting: Florida Fish and Wildlife Conservation Commission, 620 South Meridian St., Tallahassee, FL 32399-1600 or at <http://myfwc.com/about/commission/commission-meetings>.

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

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

For more information, you may contact: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)488-4676.

SOUTH DADE SOIL AND WATER CONSERVATION DISTRICT

The South Dade Soil & Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 19, 2020, 9:30 a.m.

PLACE: Due to Covid-19, Please call for directions and instructions.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Agenda items for presentation to the Board of Supervisors. Updates from the USDA.

A copy of the agenda may be obtained by contacting: Wendy Canty, (305)242-1288.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: SDSWCD, (305)242-1288. 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.

FLORIDA SURPLUS LINES SERVICE OFFICE
 The Florida Surplus Lines Service Office Board of Governors announces a workshop to which all persons are invited.
 DATE AND TIME: Tuesday, January 26, 2021, 11:00 a.m.
 PLACE: Virtual Format. For access contact Georgie Barrett at gbarrett@fslso.com.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The performance of the 2020 Financial Audit
 A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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 2 days before the workshop/meeting by contacting: Jennifer Mills at jmills@fslso.com or 1(800)562-4496, x101. 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).

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Construction Industry Licensing Board
 NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Adrian S. Middleton, Esquire, filed on October 29, 2020. The petition seeks the agency's opinion as to the applicability of Section 489.127, F.S., as it applies to the petitioner.
 Petitioner asks whether it is a violation of Florida statute, or any agency rule to allow a non-licensed company to sell the roofing services contract of a licensed company for commissions. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.
 A copy of the Petition for Declaratory Statement may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399-1039, or telephone: (850)487-1395, or by electronic mail at Donald.Shaw@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Board of Professional Engineers
 RULE NO.: RULE TITLE:
 61G15-19.001 Grounds for Disciplinary Proceedings
 NOTICE IS HEREBY GIVEN that Board of Professional Engineers has received the petition for declaratory statement

from William C. Bracken, P.E., on behalf of J.S. Held, LLC. The petition seeks the agency's opinion as to the applicability of Rule 61G15-19.001, F.S., as it applies to the petitioner. The petition was filed on November 5, 2020. Petitioner seek the Board's opinion to the following question: If J.S. Held LLC were to enter into the Preferred Repair Network, LLC's agreement, receive assignments under this agreement, have its Florida licensed engineers provided services under this agreement, and then pay the "Management Fee" required by this agreement in exchange for receiving an assignment, would the Florida licensed engineer, J.S. Held LLC, its officers, or agents or employees be in be in violation of Rule 61G15-19.001, F.A.C., by committing misconduct in the practice of engineering. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.
 A copy of the Petition for Declaratory Statement may be obtained by contacting: Zana Raybon, Executive Director, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, or telephone (850)521-0050, or by email: zraybon@fbpe.org.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

INVITATION TO BID FFS 20 21 46

the Florida Department of Agriculture and Consumer Services seeks to obtain sealed bids from licensed contractors FOR the outright purchase, delivery and installation of a Prefabricated Bathhouse at 15185 Broad Street, Brooksville, Fl - Mutual Mine Campground in Withlacoochee State Forest.

Solicitation document: The solicitation document is available at the MyFloridaMarketPlace Vendor Bid System, http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

Solicitation Number ITB FFS 20 21 46. Interested participants may also contact the purchasing department at BIDS@FDACS.gov or by calling (850)617 – 7180.

Section XII Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, November 12, 2020 and 3:00 p.m., Wednesday, November 18, 2020.

Rule No.	File Date	Effective Date
12D-16.002	11/17/2020	12/7/2020
61-35.025	11/17/2020	12/7/2020
61G1-12.005	11/16/2020	12/6/2020
61G2-7.030	11/13/2020	12/3/2020
61J2-10.032	11/18/2020	12/8/2020
61J2-10.038	11/18/2020	12/8/2020
64B2-16.007	11/13/2020	12/3/2020
64ER20-35	11/16/2020	11/16/2020
64ER20-36	11/16/2020	11/16/2020
64ER20-37	11/16/2020	11/16/2020
64ER20-38	11/17/2020	11/17/2020

64ER20-39	11/17/2020	11/17/2020
64BER20-40	11/18/2020	12/1/2020
64DER20-34	11/12/2020	11/12/2020
65C-16.021	11/17/2020	12/7/2020
68A-12.010	11/13/2020	12/3/2020
68A-12.011	11/13/2020	12/3/2020

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

Rule No.	File Date	Effective Date
62-330.010	7/21/2020	**/**/****
62-330.050	6/26/2020	**/**/****
62-330.060	6/26/2020	**/**/****
62-330.090	6/26/2020	**/**/****
62-330.201	6/26/2020	**/**/****
62-330.340	6/26/2020	**/**/****
62-330.402	6/26/2020	**/**/****
62-331.010	7/21/2020	**/**/****
62-331.020	6/11/2020	**/**/****
62-331.030	6/11/2020	**/**/****
62-331.040	6/11/2020	**/**/****
62-331.050	6/11/2020	**/**/****
62-331.051	7/21/2020	**/**/****
62-331.052	7/21/2020	**/**/****
62-331.053	7/21/2020	**/**/****
62-331.054	7/21/2020	**/**/****
62-331.060	7/21/2020	**/**/****
62-331.070	6/11/2020	**/**/****
62-331.080	7/21/2020	**/**/****
62-331.090	7/21/2020	**/**/****
62-331.100	6/11/2020	**/**/****
62-331.110	7/21/2020	**/**/****
62-331.120	7/21/2020	**/**/****

62-331.130	6/11/2020	**/**/****
62-331.140	6/11/2020	**/**/****
62-331.160	7/21/2020	**/**/****
62-331.200	7/21/2020	**/**/****
62-331.201	7/21/2020	**/**/****
62-331.210	7/21/2020	**/**/****
62-331.211	6/11/2020	**/**/****
62-331.212	6/11/2020	**/**/****
62-331.213	6/11/2020	**/**/****
62-331.214	6/11/2020	**/**/****
62-331.215	7/21/2020	**/**/****
62-331.216	7/21/2020	**/**/****
62-331.217	7/21/2020	**/**/****
62-331.218	6/11/2020	**/**/****
62-331.219	6/11/2020	**/**/****
62-331.220	6/11/2020	**/**/****
62-331.221	6/11/2020	**/**/****
62-331.222	6/11/2020	**/**/****
62-331.223	6/11/2020	**/**/****
62-331.224	6/11/2020	**/**/****
62-331.225	7/21/2020	**/**/****
62-331.226	7/21/2020	**/**/****
62-331.227	6/11/2020	**/**/****
62-331.228	6/11/2020	**/**/****
62-331.229	7/21/2020	**/**/****
62-331.230	7/21/2020	**/**/****
62-331.231	7/21/2020	**/**/****
62-331.233	6/11/2020	**/**/****
62-331.234	6/11/2020	**/**/****
62-331.235	6/11/2020	**/**/****
62-331.236	6/11/2020	**/**/****
62-331.237	6/11/2020	**/**/****

62-331.238	6/11/2020	**/**/****
62-331.239	6/11/2020	**/**/****
62-331.240	7/21/2020	**/**/****
62-331.241	6/11/2020	**/**/****
62-331.242	7/21/2020	**/**/****
62-331.243	6/11/2020	**/**/****
62-331.244	6/11/2020	**/**/****
62-331.245	6/11/2020	**/**/****
62-331.246	6/11/2020	**/**/****
62-331.247	6/11/2020	**/**/****
62-331.248	7/21/2020	**/**/****
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of Nothin Specific Custom, Inc., line-make LUGC

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Elite Electric Vehicles LLC, intends to allow the establishment of Nothin Specific Custom, Inc., as a dealership for the sale of low-speed vehicle manufactured by Lvtong USA Golf Cars LLC (line-make LUGC) at 3665 West New Haven Avenue, Melbourne, (Brevard County), Florida 32904, on or after December 18, 2020.

The name and address of the dealer operator(s) and principal investor(s) of Nothin Specific Custom, Inc., are dealer operator(s): James Davidson, 36645 West New Haven Avenue,

Melbourne, Florida 32904; principal investor(s): James Davidson, 36645 West New Haven Avenue, Melbourne, Florida 32904.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS-65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399.

A copy of such petition or complaint must also be sent by US Mail to: Danny Dodd, Elite Electric Vehicles LLC, 3125 North East 37th Place, Wildwood, Florida 34785.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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.
