

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: **RULE TITLES:**
 5J-22.002 Specifications, Tolerances and Other
 Technical Requirements for Weighing and
 Measuring Devices
 5J-22.003 Uniform Regulations and Methods of Sale
 5J-22.006 Weighing and Measuring Device Permits
PURPOSE AND EFFECT: The proposed rules will adopt the
 2023 versions of the National Institute of Standards and
 Technology (NIST) Handbooks 44 and 130 and clarify the
 Weighing and Measuring Device Permit Application.
SUBJECT AREA TO BE ADDRESSED: Updated adopted
 national standards and incorporated department form.
RULEMAKING AUTHORITY: 366.94, 531.40, 531.41(3),
 (4), (5), (16), 531.44(2), 531.66, 570.07(23) FS.
LAW IMPLEMENTED: 366.94, 531.40, 531.41(3), (4), (5),
 (7), (16), 531.42, 531.44, 531.45, 531.47, 531.49, 531.50,
 531.60, 531.61, 531.62, 531.63, 531.64, 531.65, 531.66 FS.
IF REQUESTED IN WRITING AND NOT DEEMED
UNNECESSARY BY THE AGENCY HEAD, A RULE
DEVELOPMENT WORKSHOP WILL BE NOTICED IN
THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE
REGISTER.
THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT AND A COPY OF
THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mauricio
 Mejia, Chief, Bureau of Standards, 2005 Apalachee Parkway,
 Tallahassee, FL 32399 (850)921-1570.
THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM
THE CONTACT PERSON LISTED ABOVE.

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Arts and Culture

RULE NOS.: **RULE TITLES:**
 1T-1.001 Division of Arts and Culture
 1T-1.036 Arts and Cultural Grants
 1T-1.039 Cultural Facilities Program
 1T-1.042 Division Initiatives Partnership Program
PURPOSE AND EFFECT: The purpose and effect of the
 proposed amendments are to incorporate the future Division of

Arts and Culture grant guidelines into the identified rules by
 reference.

SUMMARY: The rules provide for the Department's arts and
 cultural grant programs. The Department proposes amendments
 to certain material incorporated by reference into the amended
 rules in order to update the existing grant programs.

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

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

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

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

RULEMAKING AUTHORITY: 265.605(1), 265.701(5),
 265.286(11)

LAW IMPLEMENTED: 265.285, 265.601-.603, 265.605-606,
 265.701, 265.286

**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:** Jon Morris, Deputy General Counsel,
 500 S. Bronough Street Tallahassee Florida, 32399. Email:
 jon.morris@dos.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

1T-1.001 Division of Arts and Culture.

(1) Florida Council on Arts and Culture.

(a) Membership and duties of the Florida Council on Arts
 and Culture (Council) shall be in accordance with Section
 265.285, F.S.

(b) Officers. The Chairperson, Vice Chairperson, and
 Secretary of the Council shall be elected annually by the
 Council membership and may be re-elected for subsequent

terms. In the event of the resignation or term-expiration of an officer, interim elections may be held.

(c) The Chairperson has the authority to appoint standing and ad hoc committees of the Council, as well as appoint task forces made up of members of the Council and the general public. Standing and ad hoc committees, or task forces may report any recommendations to the Council at the next scheduled Council meeting. Recommendations shall be final upon approval by the Council, unless rejected by the Secretary of State.

(d) The Council shall meet in accordance with Section 265.285(1)(b), F.S. Notice shall be provided and meetings shall be conducted in accordance with Section 120.525, F.S.

(2) Cultural Endowment Program. The purpose of this program is to create an endowment matching funds program that will provide programming resources to participating cultural organizations. All endowment applicants must meet the requirements set forth in the Grant guidelines for Cultural Endowments

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, effective ~~XX/2023~~ 03/2022, which are available from the Division at www.dos.myflorida.com/cultural, and are hereby incorporated by reference. All grant awards are subject to the approval of the Secretary of State and Legislative appropriation.

(3) The following forms must be used in the administration of the Cultural Endowment Program and are hereby incorporated by reference:

(a) Cultural Endowment Application Form (CA2E037, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, effective ~~XX/2023~~ 03/2022) and available from the Division online at www.dosgrants.com.

(b) The Cultural Endowment Agreement (CA2E039, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, effective ~~XX/2023~~ 03/2022) and available from the Division online at www.dosgrants.com.

(c) Cultural Endowment Program Fund Annual Report Form (CA2E100, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>), effective ~~XX/2023~~ 03/2022, and available from the Division at www.dos.myflorida.com/cultural.

Rulemaking Authority 265.605(1), 265.701(5) FS. Law Implemented 265.285, 265.601-.603, 265.605-.606, 265.701 FS. History—New 11-23-82, Formerly 1T-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06, 8-20-07, 9-16-07, 1-8-08, 7-8-08, 9-8-08, 3-5-09, 6-17-09, 10-27-09, 7-13-10, 7-5-15, 7-6-16, 5-14-17, 6-2-19, 5-7-20, 5-30-21, 3-27-22,_____.

1T-1.036 Arts and Cultural Grants.

(1) This rule provides the requirements for grant programs administered by the Division of Arts and Culture (Division). Each program is governed by guidelines which contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State.

(2) All grant applicants must meet the requirements set forth in the General Program Support Grant Guidelines <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> and Specific Cultural Grant Guidelines, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, which are available from the Division at www.dos.myflorida.com/cultural, effective ~~XX/2023~~ 03/2022, and are hereby incorporated by reference:

(a) The General Program Support Program provides general program support for local arts agencies, state service organizations, and organizations that have general program activity in any of the art and cultural disciplines in Section 265.283(1), F.S. Grant administration procedures are also included as part of the guidelines.

(b) Specific Cultural Projects Program, provides funding for arts in education, underserved cultural community development, artist projects, and other nonprofit public or private organizations having specific cultural project activity in any of the arts and cultural disciplines in Section 265.283(1), F.S. Grant administration procedures are also included as part of the guidelines.

(3) The following application form is available from the Division at www.dosgrants.com and is hereby incorporated by reference: General Program Support and Specific Cultural Projects Program Application (Form CA2E145, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, effective ~~XX/2023~~ 03/2022).

(4) The following forms are used in the administration of all grant programs in this rule and are hereby incorporated by reference and available at www.Florida-arts.org:

(a) Final Report Form (Form CA2E004, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, effective ~~XX/2023~~ 03/2022).

(b) Grant Award Agreement (Form CA2E142, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, effective ~~XX/2023~~ 03/2022).

(5) The following documents are incorporated by reference:

(a) Section 504 Self Evaluation Workbook from the National Endowment for the Arts, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08132>, effective 05/17.

(b) National Endowment for the Arts General Terms & Conditions for Partnership Agreements,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective 06/2022 05/21.

(c) Florida Department of Financial Services Reference Guide for State Expenditures, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective 10/2022 04/20.

(d) Florida Division of Cultural Affairs Scoring Rubric for General Program Support and Specific Cultural Project Applications, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022.

Rulemaking Authority 265.286(11) FS. Law Implemented 265.286 FS. History—New 10-27-09, Amended 6-1-10, 4-2-12, 6-10-13, 3-16-14, 5-27-15, 7-6-16, 5-14-17, 6-5-18, 6-2-19, 5-7-20, 5-30-21, 3-27-22

1T-1.039 Cultural Facilities Program.

(1) This rule provides the requirements for the Cultural Facilities Program administered by the Division of Arts and Culture (Division). All grant applicants must meet the requirements set forth in the Grant Guidelines for Cultural Facilities,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022, which are available from the Division at www.dos.myflorida.com/cultural, and are hereby incorporated by reference. The program guidelines contain eligibility requirements, application review procedures, evaluation and funding criteria, and application forms. All grant awards are subject to the approval of the Secretary of State and Legislative appropriation.

(2) The Cultural Facilities Program Application (Form CA2E147, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022), is available from the Division online at www.dosgrants.com, and is hereby incorporated by reference.

(3) The following forms must be used in the administration of the Cultural Facilities Program and are hereby incorporated by reference and available at www.dosgrants.com:

(a) Cultural Facilities Program Report Form (Form CA2E048, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022).

(b) Grant Award Agreement (Form CA2E038, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022).

Rulemaking Authority 265.701(5) FS. Law Implemented 265.701 FS. History—New 7-13-10, Formerly 1T-1.001(3), Amended 6-5-12, 6-13-13, 3-16-14, 4-29-15, 7-6-16, 5-14-17, 5-14-18, 6-2-19, 5-7-20, 5-30-21, 3-27-22

1T-1.042 Division Initiatives Partnership Program.

(1) This rule provides the requirements for the Florida Division of Arts and Culture and National Endowment for the Arts Division Initiatives Partnership Program. The guidelines contain eligibility requirements, application review procedures, and evaluation criteria.

(2) All grant applicants must meet the requirements set forth in the Florida Division of Arts and Culture and National Endowment for the Arts Division Initiatives Partnership Program Guidelines, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022, which are available from the Division at www.dos.myflorida.com/cultural and are hereby incorporated by reference.

(3) The following application form is available upon request from the Division. The application form is hereby incorporated by reference: Division of Arts and Culture Initiatives Partnership Program Application (Form CA2E121 <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022).

(4) The following forms are used in the administration of the Division Initiatives Partnership Program in this rule and are hereby incorporated by reference.

(a) NEA DCA Initiatives Partnership Program Final Report (Form CA2E123, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022).

(b) Division Initiatives Partnership Program Grant Award Agreement (Form CA2E122, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective XX/2023 03/2022).

(5) The following documents are incorporated by reference:

(a) Section 504 Self Evaluation Workbook from the National Endowment for the Arts, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08132>, effective 05/2017.

(b) National Endowment for the Arts General Terms & Conditions for Partnership Agreements, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, effective 06/2022 05/2021.

(c) Florida Department of Financial Services Reference Guide for State Expenditures, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, effective 10/2022 05/20.

(d) Florida Division of Arts and Culture Strategic Plan, <http://www.flrules.org/Gateway/reference.asp?No=Ref-11863>, effective 05/20.

(e) 20 U.S. Code §954 – National Endowment for the Arts, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09881>, effective 10/01/1990.

(f) 2 CFR Part 200,
<http://www.flrules.org/Gateway/reference.asp?No=Ref-09882>,
 effective 01/2014.

Rulemaking Authority 265.286(11) FS. Law Implemented 265.286 FS. History—New 10-10-18, Amended 6-2-19, 5-7-20, 5-30-21, 3-27-22, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Sandy Shaughnessy, Director Division of Arts and Culture.
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cord Byrd, Secretary of State.
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2023
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 6, 2023

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

RULE NOS:	RULE TITLES:
5P-2.001	Program Participation
5P-2.002	Program Responsibilities
5P-2.003	Procurement Standards
5P-2.004	Reimbursement Process
5P-2.005	Administrative Reviews
5P-2.006	Fiscal Action
5P-2.007	Professional Standards
5P-2.008	Waiver Requests
5P-2.009	Emergency Meals
5P-2.010	Civil Rights Compliance and Enforcement

PURPOSE AND EFFECT: This chapter provides rules governing the administration and operation of School Nutrition Programs and adopts applicable federal regulations.

SUMMARY: The proposed rules in Chapter 5P-2 regulate School Nutrition Programs administered by the Division and establish eligibility criteria, further identify and clarify program responsibilities, set procurement standards, present requirements for reimbursement, specify the Administrative Review process and the process for determining any necessary fiscal action, establish professional standards, outline the waiver request process, transfer emergency meals administration requirements to Rule 5P-3.001, and provide civil rights compliance and enforcement requirements. The proposed rules adopt applicable federal regulations and are specific to Florida’s practices that are not covered in the Code of Federal Regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) AND LEGISLATIVE RATIFICATION: A SERC has not been prepared by the agency. The Agency has determined that this rule 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.

There are no costs associated with the establishment of this rule as participation in the programs are voluntary. The Agency has also determined that the proposed rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 570.07(23); 595.404(4); 595.404(5); 595.404(10); 595.404(11) F.S.

LAW IMPLEMENTED: 595.404; 595.501, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nedra Harrington, 600 S. Calhoun Street, Suite 120 (H2), Tallahassee, FL 32399, (850)617-7668.

THE FULL TEXT OF THE PROPOSED RULE IS:

5P-2.001 Program Participation.

Each School Food Authority, as defined in 7 CFR 210.2, participating in or applying to participate in a School Nutrition Program, as defined in subsection 5P-1.001(1), F.A.C., and each participating Sponsor, must meet the applicable standards established by the United States Department of Agriculture as provided in 2 CFR 200, 7 CFR 15, 15a, 15b, 16, 7 CFR 210, 7 CFR 220, 7 CFR 245 and 7 CFR 250, all revised as of January 1, 2022, and which are hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov, chapter 595, Florida Statutes, and this rule chapter. A School Food Authority participating in the Summer Food Service Program, as defined in Rule 5P-1.001, F.A.C., must also comply with the standards provided in 7 CFR 225 as incorporated in Rule 5P-3.001, F.A.C.

(1) School Nutrition Program Application. An official of a School Food Authority must submit to the Department a complete application online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “School Nutrition Programs Application”, FDACS-01951 Rev. 04/22, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.

(a) For the purposes of the School Nutrition Programs, a complete application must provide all the information requested on the application form, and the Sponsor must ensure any

changes to that information is provided to the Department, including:

1. School Food Authority Information;
2. A listing of Sponsor Officials;
3. Policy Information;
4. Residential Child Care Institution Information as applicable;
5. Procurement Procedures;
6. Civil Rights Information;
7. School Information for at least one school and school information for any additional schools to be submitted to the Department for approval any time prior to program operation; and
8. A certification statement signed by an official of the School Food Authority.

(b) Applications to participate in the School Nutrition Programs cover the period of July 1 through June 30, annually. The Department recommends School Food Authorities who submit applications between March 1 and June 30 consider applying for the following school year.

(c) If a School Food Authority did not participate in the School Nutrition Programs in the year prior to the current year, the School Food Authority must complete the School Nutrition Program training offered by the Department with eighty (80) percent accuracy or higher prior to being considered for approval for participation. The Department will provide technical assistance to a School Food Authority that fails to meet the eighty (80) percent accuracy threshold. Opportunities to complete the School Nutrition Program training will be offered year-round.

(2) Eligibility. Eligibility to participate in the School Nutrition Programs will be determined annually through the application process as provided by law for each program.

(a) Any school in which a School Food Authority desires to operate a School Nutrition Program must meet the definition of "school" as defined in 7 CFR 210.2, and as further defined in FNS Instruction 776-7, Rev. 1, Form FNS-620 (10/81), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.

(b) A School Food Authority may not operate a School Nutrition Program in a school that is governed by a different local educational agency unless a contractual agreement exists between the School Food Authority and the local educational agency and has been approved in writing by the United States Department of Agriculture, Food and Nutrition Services.

(c) For the purposes of this rule, a public or private nonprofit authority has been legally constituted to perform a service function for schools if it is an educational service

agency as defined in 20 U.S.C. § 7801(18) or a consortium of those agencies or it is a regional consortium service organization as defined in section 1001.451, F.S.

(d) For the purposes of the School Nutrition Programs, nonprofit private schools participating in or applying to participate in the School Nutrition Programs must be exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1986 as required by 7 CFR 210.2.

1. A nonprofit private school claiming exempt status through affiliation with a church or religious organization that is not required to make application to the Internal Revenue Service for recognition of its status to be tax-exempt must:

a. Provide to the Department a group exemption letter from the Internal Revenue Service that demonstrates its relationship to the church or religious organization pursuant to Revenue Procedure 80-27, 1980-1 C.B. 677, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov; or

b. Establish that it is affiliated by providing documentation to the Department that demonstrates the school is operated, supervised, or controlled by or in connection with the church, a convention or association of churches, or religious organization as defined in 26 CFR 1.509(a)-4, revised as of April 1, 2021, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov; or

c. Provide information to the Department demonstrating that it is otherwise affiliated with the church or religious organization based upon relevant facts and circumstances as specified in 26 CFR 1.6033-2(h)(3), revised as of April 1, 2021, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.

2. A nonprofit private school claiming exempt status as a unit affiliated with and under the general supervision or control of another tax-exempt organization must also provide to the Department a group exemption letter from the Internal Revenue Service that demonstrates its relationship to the tax-exempt organization pursuant to Revenue Procedure 80-27, 1980-1 C.B. 677.

(3) Afterschool Snack Program. School Food Authorities are eligible to participate in the Afterschool Snack Program if they are a current Sponsor in a School Nutrition Program.

(4) Agreement. Each School Food Authority approved to participate in the School Nutrition Program must enter into a

written agreement with the Department, using the form entitled “Child Nutrition Programs Agreement”, incorporated in Rule 5P-1.004, F.A.C.

(5) Non-Profit School Food Service Account. School Food Authorities must establish and maintain a financial management system that accounts for all revenues and expenditures of their nonprofit school food service in accordance with 7 CFR 210.19(a)(1), to include:

(a) A separate financial institution account for School Nutrition Program funds where all income and expenses must be for the benefit of the School Nutrition Programs; or

(b) The use of balance sheet account numbers and fund and expenditure account numbers for organizations subject to the Financial and Program Cost Accounting and Reporting for Florida Schools (2021) Manual, which is hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov, to indicate what income and expenses are for the benefit of the School Nutrition Program if the account is used for other Child Nutrition Programs as defined in Rule 5P-1.001(3), F.A.C.

(6) Delinquent Sponsors. Sponsors that have outstanding debt owed to the Department for a previous fiscal action and have not agreed upon a satisfactory repayment schedule with the Department are not eligible to participate in the School Nutrition Programs and will be declared Seriously Deficient and terminated from the School Nutrition Program in accordance with Rules 5P-2.006(3)(d), F.A.C., and 5P-1.004(1)(a), F.A.C., as applicable. While terminated, Sponsors and its principals, including their board members, corporate officials and the officials identified on the Sponsor’s application in the Florida Automated Nutrition System at the time of the conduct leading to the termination, shall not participate in any Child Nutrition or Food Distribution Program to include receiving USDA Foods, conducting business as a contractor, providing consulting services, or obtaining program related funds by any other means.

(7) Seriously Deficient Sponsors. Sponsors that were declared Seriously Deficient pursuant to paragraph 5P-1.004(1)(a), F.A.C. in the year prior to the current year must meet all eligibility requirements in this rule chapter, and must submit an application pursuant to paragraph 5P-2.001(1)(b), F.A.C.

(8) Terminated Sponsors. Sponsors that have been terminated from a School Nutrition Program must meet all eligibility requirements in this rule chapter and submit an application pursuant to paragraph 5P-2.001(1)(b), F.A.C. to participate in School Nutrition Programs after the termination expires. While terminated, Sponsors and its principals, including their board members and corporate officials, and the

officials identified on the Sponsor application in the Florida Automated Nutrition System at the time of the conduct leading to the termination shall not participate in any Child Nutrition or Food Distribution Program to include receiving USDA Foods, conducting business as a contractor, providing consulting services, or obtaining program related funds by any other means.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), 595.404(11) FS. Law Implemented 595.404 FS. History-New _____.

5P-2.002 Program Responsibilities.

(1) Meal Service Times. School Nutrition Program lunches must be served in accordance with the timing requirements specified in 7 CFR 210.10(l)(1), incorporated in Rule 5P-2.001, F.A.C. Schools must offer breakfasts meeting the requirements of 7 CFR 220.8(l)(1), incorporated in Rule 5P-2.001, F.A.C., at or near the beginning of the school day. Schools must provide sufficient meal periods that are long enough to give all students time to be served and to eat their meals. The Department of Agriculture and Consumer Services shall have the following responsibilities:

(a) To require that all Child Nutrition Programs for which federal reimbursement is granted shall meet at least the minimum standards established by the United States Department of Agriculture as provided in 2 CFR 200 and 7 CFR 15, 15a, 15b, 210, 215, 220, 225, 226, 240, 245, 250 and 252, all revised as of January 1, 2018, which are hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?no=Ref-09513>.

(b) To require that all Child Nutrition Programs meet at least the minimum standards established by Chapter 595, F.S., under Division 5P, F.A.C.

(c) To distribute the required state matching in such a manner as to comply with the provisions for state matching under the National School Lunch Act, as amended. The annual state matching allocation shall be distributed by computing the district’s percentage share of total federal revenue received times the state general revenue matching allocation. The federal revenue includes Sections 4 and 11 of the National School Lunch Act and Sections 4 and 5 of the Child Nutrition Act of 1966, as amended, for two (2) fiscal years prior to the current fiscal year. The state matching allocation shall be distributed to Sponsors in equal amounts quarterly.

(2) Break Out Meal Service. Sponsors must obtain prior approval from the Department to serve lunch to children ages 1 through 4 over two service periods. To obtain approval from the Department, a Sponsor must submit a request in writing online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “Request to Break Out Meal Service”, FDACS-01950 12/18, which is

hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov. Requests must be received by the Department at least fourteen (14) calendar days prior to the requested date the two service periods are to take effect. The Department will approve a Sponsor to serve lunch to children ages 1 through 4 over two service periods upon receipt of a completed form providing the information requested therein. Each School Nutrition Program Sponsor shall have the following responsibilities:

(a) To provide the necessary food service programs to meet nutritional needs of students during the school day. These food service programs shall be appropriately scheduled and shall include as a minimum a reimbursable lunch and if desired, a reimbursable breakfast, both priced as a unit. Supplemental foods which make a nutritional contribution to these meals may also be provided.

(b) To adopt policies covering all phases of the School Nutrition Program.

(c) To control the sale of food and beverage items in competition with the School Nutrition Program in accordance with 7 CFR 210.11, previously incorporated in paragraph (1)(a) of this rule. Competitive food and beverage items sold to students during the school day must meet the nutrition standards for competitive food as defined and required in 7 CFR 210.11. Unless being sold by the School Nutrition Program, it is impermissible for any competitive food item sold to students during the school day to consist of ready-to-eat combination foods of meat or meat alternate, as defined in 7 CFR 210.10, previously incorporated in paragraph (1)(a) of this rule, and grain products as defined in 7 CFR 210.11. Each Sponsor is permitted to grant a special exemption from the standards for competitive foods as specified above for the purpose of conducting infrequent school sponsored fundraisers, not to exceed the following maximum number of school days per school campus each school year:

School Type	Maximum Number of School Days To Conduct Exempted Fundraisers
Elementary Schools	5 days
Middle School/Junior High Schools	10 days
Senior High Schools	15 days
Combination Schools	10 days
Elementary Schools: Schools providing regular or other instruction at one or more grade levels from PK through grade 5. This category includes schools serving grade 6 if also serving one or more grades PK through 5 (e.g., a K-6 school).	

Middle/Junior High Schools: Schools providing regular or other instruction in middle school configurations (grades 6-8) and junior high school configurations (grades 7-9). This category also includes schools serving a single grade in the 6-8 range (e.g., a 6th grade center).

Senior High Schools: Schools providing regular or other instruction at one or more grade levels from 9 to 12. This classification includes 9th grade centers.

Combination Schools: Schools providing regular or other instruction in grade groupings that include more than one of the categories described above (e.g., PK 8, 6-12, K-12, etc.).

Each Sponsor shall maintain records documenting the occurrence of any exempted school sponsored fundraisers to demonstrate compliance with this rule. No school sponsored fundraisers, which include the sale of food items, shall be permitted to occur until thirty (30) minutes after the conclusion of the last designated meal service period. For the purposes of this section, "school sponsored fundraiser" shall be defined as any event or activity occurring on the school campus during which currency, tokens, tickets, or the like are exchanged for the sale or purchase of items or services to benefit the school, a school organization or group, or a charitable organization, and which is authorized according to the Sponsor's policy and has been approved by the school principal or designee.

(d) To maintain a Healthy School Team for all schools under its jurisdiction in accordance with 42 U.S.C. 1758b (10/1/10), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04501>. Any Healthy School Team should include, but not be limited to, the following stakeholders: parents, students, school food service program representatives, school administrators, school health professionals, physical education teachers and the public as provided in 42 U.S.C. 1758b(b)(3). In addition to the requirements specified in 42 U.S.C. 1758b, a Healthy School Team shall:

1. Be responsible for ensuring compliance with paragraph (2)(c) of this rule and 7 CFR 210.11, previously incorporated in paragraph (1)(a) of this rule, as it relates to competitive food and beverage items sold on a school campus;
2. Maintain a school calendar identifying the dates when exempted competitive food fundraisers will occur in accordance with the frequency specified in paragraph (2)(c) of this rule; and,
3. Report its school's compliance with this rule to the designated Local Educational Agency official or school official responsible for overall compliance with the Local Educational

~~Agency's wellness policy as required in 42 U.S.C. 1758b(b)(5)(B).~~

~~(e) To provide an alternative food service program for students attending double session schools. The school board, after considering the nutritional needs of all the students attending the school, shall determine the alternative program needed.~~

~~(f) To provide for the control, administration, supervision, and operation of all School Nutrition Programs. The Sponsor may contract with a food management company to provide food service in one (1) or more schools; provided that the Sponsor shall retain responsibility for its operation, administration, supervision and control, in compliance with the program agreement and federal regulations.~~

~~(g) To adopt a policy for providing economically needy students with free and reduced price lunches and breakfasts, when breakfasts are served, that will comply with 2 CFR 200 and 7 CFR 210 and 220, previously incorporated in paragraph (1)(a) of this rule. This policy shall include a plan for verifying economic need of students and shall be approved by the Department.~~

~~(h) To limit the amount of funds recovered annually for food service indirect costs to the restricted federal indirect cost rate approved annually by the Florida Department of Education, multiplied by the total Nonprofit School Food Service Account expenditures less expenditures for capital outlay, replacement of equipment, and USDA Foods; and cash in lieu of donated foods.~~

~~(3) Point of Service. Meal counts must be taken by the Sponsor daily at the point of service in accordance with 7 CFR 210.7(c)(1) through (2), incorporated in Rule 5P-2.001, F.A.C. The school principal and local school staff shall schedule meal serving periods in such a manner as to permit and encourage maximum student participation in the School Nutrition Program.~~

~~(a) Sponsors must obtain prior approval from the Department to implement an alternative point of service. To obtain approval for an alternative point of service, a Sponsor shall submit a request for approval to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "Alternative Point of Service Request", FDACS-01912 Rev. 12/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.~~

~~(b) The Department will approve a Sponsor's request for an alternative point of service if the information provided in the request for approval demonstrates the proposed alternative point of service will provide an accurate and reliable count of~~

the number of lunches, by type, served each day, to eligible children as required by 7 CFR 210.7(c)(2).

(4) Competitive Foods. Each Sponsor must control the sale of food and beverage items in competition with the School Nutrition Program in accordance with 7 CFR 210.11, incorporated in Rule 5P-2.001, F.A.C. Competitive food and beverage items sold to students during the school day must meet the nutrition standards for competitive food as defined and required in 7 CFR 210.11.

(a) Each Sponsor is permitted to grant schools a special exemption from the standards for competitive foods as specified above for the purpose of conducting school-sponsored fundraisers, not to exceed the following maximum number of school days per school, each school year:

<u>School Type</u>	<u>Maximum Number of School Days To Conduct Exempted Fundraisers</u>
<u>Elementary Schools</u>	<u>5 days</u>
<u>Middle School/Junior High Schools</u>	<u>10 days</u>
<u>Senior High Schools</u>	<u>15 days</u>
<u>Combination Schools</u>	<u>10 days</u>
<u>Elementary Schools: Schools providing regular or other instruction at one or more grade levels from PK through grade 5. This category includes schools serving grade 6 if also serving one or more grades PK through 5 (e.g., a K-6 school).</u> <u>Middle/Junior High Schools: Schools providing regular or other instruction in middle school configurations (grades 6-8) and junior high school configurations (grades 7-9). This category also includes schools serving a single grade in the 6-8 range (e.g., a 6th grade center).</u> <u>Senior High Schools: Schools providing regular or other instruction at one or more grade levels from 9 to 12. This classification includes 9th grade centers.</u> <u>Combination Schools: Schools providing regular or other instruction in grade groupings that include more than one of the categories described above (e.g., PK-8, 6-12, K-12, etc.).</u>	

(b) Unless sold by the Sponsor, competitive food items sold to students during the school day shall not consist of ready-to-eat combination foods, as defined in 7 CFR 210.11, or meat or meat alternate, as defined in 7 CFR 210.10, incorporated in Rule 5P-2.001, F.A.C., or grain products as defined in 7 CFR 210.11.

(c) No school-sponsored fundraisers, which include the sale of food items, will be permitted to occur until thirty (30) minutes after the conclusion of the last designated meal service period. For the purposes of this section, “school-sponsored fundraiser” is defined as any event or activity occurring on school property during which currency, tokens, tickets, or the like are exchanged for the sale or purchase of items or services to benefit the school, a school organization or group, or a charitable organization, and which is authorized according to the Sponsor’s policy and has been approved by the school principal or designee.

(d) Each Sponsor must maintain records for a period of three years following the date of submission of the final claim for reimbursement for the school year documenting the occurrence of any exempted school-sponsored fundraisers to demonstrate compliance with this rule. The following forms are hereby incorporated by reference and may be obtained from the Division of Food, Nutrition and Wellness, Florida Department of Agriculture and Consumer Services, 600 South Calhoun Street, Suite 120, Tallahassee, FL 32399 or online as indicated:

(a) FDACS 01717 Rev. 04/18, National School Lunch Program Claim Form, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09514>.

(b) FDACS 01718 Rev. 04/18, Special Milk Program Claim Form, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09515>.

(e) FDACS 01713 Rev. 04/18, Net Cash Resources Report, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09516>.

(d) FDACS 01716 Rev. 04/18, Child Nutrition Programs Agreement, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09517>.

(5) Food Service Management Companies. Sponsors may contract with a food service management company to provide food service for one (1) or more schools. The Sponsor must retain responsibility for the program’s operation, administration, supervision and control.

(6) Economically-needy Students. Sponsors must adopt a policy for providing economically-needy students with free and reduced price meals that comply with 7 CFR 210, 7 CFR 220, and 7 CFR 245, incorporated in Rule 5P-2.001, F.A.C.

(7) Direct Certification. All Sponsors, except residential child-care institutions serving only their residents, must utilize Direct Certification to establish children’s eligibility for free school meals as specified in 7 CFR 245.6(b).

(a) All Sponsors must conduct Direct Certification with Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid at least three times each school year as scheduled below:

1. Within 30 days of the first day of school for students;
2. Three months after the initial effort; and

3. Six months after the initial effort.

(b) Direct Certification for SNAP, TANF, and Medicaid must be conducted using the Florida Direct Certification system online at <https://fdc.FDACS.gov>, or by requesting the Direct Certification List for specific counties. Requests for access to the Florida Direct Certification system or the Direct Certification List must be submitted online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “Direct Certification Report Sponsor Agreement”, FDACS-01804 Rev. 12/19, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov. Access to the Florida Direct Certification system and the Direct Certification List will be provided to Sponsors upon the Department’s receipt of a completed Direct Certification Agreement.

(8) October Data. All Sponsors must submit October Data, as defined in Rule 5P-1.001, F.A.C., to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “October Data Collection Form”, FDACS-01943 Rev. 12/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov, no later than November 30 of each year.

(9) Verification. Verification must be conducted in accordance with 7 CFR 245.6a(c). All Sponsors must submit data retrieved during Verification efforts to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “School Food Authority (SFA) Verification Collection Report,” FNS-742 (10/12), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov, no later than November 30 of each year.

(10) April Data. All Sponsors must submit April Data, as defined in Rule 5P-1.001, F.A.C., to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “April Data Collection Form”, FDACS-01940 Rev. 12/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov, no later than April 10 of each year.

(11) Food Safety Inspections. Each Sponsor must obtain a minimum of two (2) food safety inspections for every school during each school year as required by 7 CFR 210.13(b) and 7 CFR 220.7(a)(2).

(a) The scope of the food safety inspections will vary according to the type of food service operations and shall be determined by the agency responsible for inspections.

(b) Sponsors must report to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, no later than May 15 of each year, the number of food safety inspections completed for all schools operating School Nutrition Programs. If less than two (2) food safety inspections are completed during a school year (July 1 through June 30), the Sponsor must also provide to the Department an explanation of the reasons for failing to meet the requirement.

(12) Indirect Costs. Sponsors must limit the amount of nonprofit school food service account funds allocated annually for food service indirect costs, as defined in 2 CFR 200.1, incorporated by reference in Rule 5P-2.001, F.A.C., to the restricted federal indirect cost rate approved annually by the Florida Department of Education, multiplied by the total nonprofit school food service account expenditures, less expenditures for capital outlay, replacement of equipment, USDA Foods, and cash-in-lieu of donated foods.

(13) Net Cash Resources. The Department will determine the net cash resources for Sponsors that are also school districts from the Annual Financial Report (AFR) filed with the Florida Department of Education annually. All other Sponsors must report net cash resources for the prior fiscal year to the Department by January 1 of each year online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399 using the form entitled "Net Cash Resources Report," FDACS-01713 Rev. 06/19, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.

(a) Sponsors reporting net cash resources in excess of three months' average expenditures must submit a spending plan, online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "Net Cash Resources Spending Plan", FDACS-02044 Rev. 07/21, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov. The spending plan must reduce the Sponsor's nonprofit school food service account to no more than three months' average expenditures within 60 days of submitting the Net Cash Resources Report or receiving notification from the Department of excess net cash resources.

(b) Should the Sponsor fail to submit a spending plan to the Department as required by paragraph (a), the Sponsor must take

one or more of the following actions designed to improve the school food service:

1. Reduce the price children are charged for meals;
2. Improve food quality;
3. Upgrade-food service equipment;
4. Develop nutrition education materials and curricula; or
5. Provide additional training of food service personnel.

(c) The actions taken by the Sponsor in accordance with this paragraph must reduce the funds in their nonprofit school food service account to no more than three months' average expenditures. In the absence of any such action, the Department will make adjustments to the Sponsor's rate of reimbursement.

(14) Equipment and Capital Expenditures. All equipment and capital expenditures, as defined by 2 CFR 200.14, with a per-unit acquisition cost of \$5,000 or more and accruing to a Sponsor's nonprofit school food service account must be pre-approved by the Department.

(a) Requests for approval of equipment and capital expenditures must be submitted to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399 using the form entitled "Capital Expenditure Pre-Approval Request", FDACS-02011 Rev. 06/19, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.

(b) Any equipment and capital expenditures not meeting the general criteria for allowability as set out in Subpart E – Cost Principles of 2 CFR 200, will not be approved by the Department. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that, such revenues shall not be used to purchase land or buildings, unless otherwise approved by the United States Department of Agriculture, Food and Nutrition Service, or to construct buildings.

(c) Any equipment and capital expenditures found on the Department's FNS-approved equipment list, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov, do not require submission of a request for approval.

(15) Audit Requirements. Sponsors that expend \$750,000 or more during the fiscal year in federal awards must have a single audit conducted for that year in accordance with Subpart F – Audit Requirements of 2 CFR 200.

(a) In determining whether \$750,000 in federal awards have been expended, the Sponsor must combine the value of USDA Foods received, as determined by the United States Department of Agriculture (USDA), all reimbursements

received for meals served to eligible children as a part of the Summer Food Service Program, if applicable, School Nutrition Programs, and all other federal awards as defined in 2 CFR 200.1.

(b) A copy of the audit report must be submitted to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within nine (9) months after the end of the audit period.

(c) If findings in the audit report related to the School Nutrition Programs require corrective action, the Department will provide notice of required corrective action by email to the Sponsor. The Sponsor will have thirty (30) calendar days from the date of receipt of this notice to provide documentation to the Department of corrective action taken or planned to address each finding. The Notice shall be considered received by the Sponsor five (5) calendar days following the date the notice is emailed by the Department unless an earlier date of receipt is confirmed by the Sponsor.

Rulemaking Authority 570.07(23), 595.404(4), (10), ~~(11)~~-FS. Law Implemented 595.404 FS. History—New 3-26-66, Amended 4-17-72, 4-19-73, 10-20-73, 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, Formerly 6A-7.042, Amended 10-11-99, 1-25-00, Formerly 6-7.042, 6A-7.0411, Amended 9-24-14, 6-21-18, Formerly 5P-1.003, Amended _____.

5P-2.003 Procurement Standards.

(1) Contracts. All Sponsor contracts for goods or services for the School Nutrition Programs must be procured and executed in compliance with the procurement standards outlined in 7 CFR 210.21, 7 CFR 220.16 and 2 CFR 200, incorporated in Rule 5P-2.001, F.A.C.

(a) Pursuant to 7 CFR 210.21(c)(1) and 7 CFR 220.16(c)(1), the Department will conduct a pre-issuance review of each Sponsor's proposed solicitations and proposed contracts for the procurement of goods and services for a School Nutrition Program, if:

1. The Sponsor is contracting with a food service management company; or

2. The Sponsor has a proposed solicitation or proposed contract that exceeds \$50,000 for public and charter school Sponsors or the simplified acquisition threshold identified in 2 CFR 200.88 for all other Sponsors.

(b) In lieu of requesting a competitive solicitation, a Sponsor may make purchases at or below the specified prices from contracts awarded by other Sponsors when the Sponsor that awarded the contract and the Contractor mutually permit purchases by a Sponsor at the same terms, conditions, and prices (or below such prices) awarded in such contract.

1. The purchasing Sponsor must submit the awarded and proposed contracts and written authorization from the

Contractor and the Sponsor holding the awarded contract to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, at least seven (7) calendar days prior to execution.

2. Sponsors must conduct a separate procurement to obtain goods and services if the proposed contract results in a material change to the awarding Sponsor's contract. A change is material if it would cause the Contractor to bid differently, if the prospective change had existed during the original solicitation process, or if the total cost of the change exceeds the thresholds referenced in subparagraph 5P-2.003(1)(a)2., F.A.C.

(c) Noncompetitive Procurement. Noncompetitive procurement of goods and services can only be awarded by a Sponsor if the circumstances in 2 CFR 200.320(c) apply. Noncompetitive agreements shall not be permitted as the underlying agreement in the implementation of the procurement practice described in paragraph 5P-3.003(1)(c), F.A.C. Sponsors desiring to award noncompetitively procured contracts must obtain approval from the Department prior to entering into the agreement. The Department will approve noncompetitively procured contracts under the following circumstances:

1. Emergency Procurement. Noncompetitive procurement may be utilized when a public exigency or emergency will not permit delay resulting from a competitive procurement. The resulting contract may not exceed 12 months in duration and must be non-renewable. When the public exigency or emergency no longer exists, the Sponsor must utilize competitive procurement procedures to establish its contracts.

2. Inadequate Competition. If, after solicitation of a number of sources, competition is determined inadequate, the Sponsor may award a contract by noncompetitive procurement. In such instances, the Sponsor must maintain documentation of its efforts to solicit bids.

(2) Donations. Sponsors may obtain and use donated food items to meet the meal service requirements outlined in 7 CFR 210.10 and 7 CFR 220.8, incorporated in Rule 5P-2.001, F.A.C., for meal service. Documentation required for the use of donated food items must include:

(a) The Sponsor's name and Sponsor number;

(b) The name of the person or organization donating food items;

(c) The donor's physical address;

(d) The donor's phone number;

(e) The donor's email address;

(f) The food item(s) being donated, including the quantity and size;

(g) The estimated value of donation; and

(h) A statement certifying that:

1. All information provided in the documentation is true;

2. All donated items listed have been received, without compensation, and meet proper sanitation and health standards which conform with all applicable state and local public health requirements;

3. The Sponsor understands the Department may verify the information and request additional documentation such as invoices and receipts of the actual purchases from the donor and that the donor has been informed of such conditions; and

4. The Sponsor understands that if false information regarding donations is purposely provided, the Sponsor will be deemed Seriously Deficient and subject to termination, pursuant to paragraph 5P-1.004(1)(a), F.A.C.

(3) Training. All food service management companies must complete the online food service management company training found at <http://FDACS.gov/trainFNW> with eighty (80) percent accuracy or higher or attend an in-person food service management company training conducted by the Department prior to entering into an agreement for food services with a Sponsor. Opportunities to complete the online food service management company trainings are offered year-round.

(4) Conflicts of Interest. Sponsors must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts and other procurement actions. Sponsors must disclose in writing any potential conflicts of interest to the Department.

(a) No employee, officer, or agent of the Sponsor may participate in the selection, award, or administration of a contract or purchase supported by School Nutrition Program funds if he or she has a real or apparent conflict of interest.

(b) Such a conflict of interest would arise when the Sponsor's employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

(c) The officers, employees, and agents of the Sponsor may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

(d) The Sponsor's standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Sponsor.

(e) If the Sponsor has a parent, affiliate, or subsidiary organization that is not a local government or Indian tribe, the Sponsor must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the Sponsor is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(f) The Sponsor may not award any contract or make any purchase supported by School Nutrition Program funds where the Sponsor or an employee, officer, or agent of the Sponsor has a real, apparent, or organizational conflict of interest.

(g) All costs resulting from purchases or contracts selected or awarded in contradiction of this rule are unallowable nonprofit school food service account expenses.

(h) The Sponsor will be deemed Seriously Deficient and subject to termination, pursuant to paragraph 5P-1.004(1)(a), F.A.C., for failure to make required disclosures of any potential conflicts of interest. Identification of any real or apparent conflicts of interest or organizational conflicts of interest by the Department is cause for termination pursuant to paragraph 5P-1.004(1)(b)5., F.A.C.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404 FS. History-New _____.

5P-2.004 Reimbursement Process.

(1) Advances. The Department will not advance funds to Sponsors for School Nutrition Programs.

(2) Claims. Claims for Reimbursement shall only be paid to Sponsors operating under a Child Nutrition Programs Agreement, incorporated in Rule 5P-1.004, F.A.C., with the Department except as provided in paragraph (d) of this subsection.

(a) All meals served by a Sponsor must meet meal pattern requirements pursuant to 7 CFR 210.10 and 7 CFR 220.8, incorporated in Rule 5P-2.001, F.A.C., to be eligible for reimbursement payments.

(b) The Sponsor must provide sufficient documentation to support the Claim for Reimbursement when submitted to the Department to be eligible for reimbursement payments. Such documentation must include the number of free, reduced price, and paid meals served to eligible children.

(c) All Claims for Reimbursement must be submitted to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "National School Lunch Program Claim Form", FDACS-01717 Rev. 12/18, which is hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.

(d) If a School Food Authority has not executed the Child Nutrition Programs Agreement, required in subsection 5P-2.001(4), F.A.C., with the Department prior to beginning program operations, the Department will make reimbursement payments for meals served by the School Food Authority that meet meal pattern requirements specified in 7 CFR 210.10 and CFR 220.8, during the calendar month immediately preceding the calendar month in which the written agreement is executed,

absent deficiencies that the Code of Federal Regulations would preclude the Department from making payments.

(3) Claim Reviews. The Department will review each Sponsor's Claim for Reimbursement on a monthly basis, to ensure that monthly claims are limited to the number of free and reduced-price meals served, by type to eligible children. Sponsors shall correct any Claim for Reimbursement that does not accurately identify the number of meals eligible for reimbursement by making an upward or downward adjustment to the claim.

(4) Submission Dates. Claims for Reimbursement must be postmarked or submitted online to the Department no later than thirty (30) days following the last day of the full month covered by the claim. Adjustments to Claims for Reimbursement must be completed and postmarked or submitted online to the Department within sixty (60) days of the last day of the full month covered by the claim. Upward adjustments to Claims for Reimbursement are limited to two adjustments per claim per Sponsor unless the adjustment results from an Administrative Review or from other federally-required or state-imposed audits.

(5) One-Time Exception. Claims for Reimbursement and any adjustments made to Claims for Reimbursement not filed within the prescribed timeframes set forth in subsection 5P-2.004(4), F.A.C., will not be paid by the Department unless otherwise authorized by USDA's Food and Nutrition Service (FNS) or the Sponsor requests a one-time exception in accordance with paragraphs (a) and (b) of this subsection.

(a) Sponsors may only request a one-time exception for late submission of Claims for Reimbursement every thirty-six (36) months for all School Nutrition Programs collectively; and

(b) Sponsors must submit a corrective action plan online at <https://fans.FDACS.gov> or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within thirty (30) calendar days of the request of the one-time exception and the corrective action plan must include:

1. The reason(s) contributing to the late submission of the claim or upward adjustment of the claim;

2. An outline of the corrective action(s) to be taken to avoid future late submissions;

3. A statement of understanding regarding the frequency of one-time exceptions in paragraph (a) of this subsection; and

4. The signature of an authorized Sponsor representative.
Rulemaking Authority 570.07(23), 595.404(4), 595.404(5), 595.404(10) FS. Law Implemented 595.404 FS. History-New _____.

5P-2.005 Administrative Reviews.

(1) Administrative Review. The Department will conduct Administrative Reviews of all Sponsors participating in the School Nutrition Programs in accordance with 7 CFR 210.18, incorporated in Rule 5P-2.001, F.A.C., and the 2018-2019

Administrative Review Manual, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov.

(2) Audits. The Department will include applicable findings from federally-required audit activity or from any state-imposed audit requirements in its Administrative Review to prevent duplication of effort when the audit findings pertain to the reviewed school(s) or the Sponsor's overall operation of the School Nutrition Program and are relevant to the review period.

(3) Disregard of Overpayment. When conducting Administrative Reviews for any fiscal year, the Department will disregard any overpayment to a Sponsor that does not exceed \$600, in accordance with 7 CFR 210.19(d) and 7 CFR 220.15(c), incorporated in Rule 5P-2.001, F.A.C.

(4) School Reviews. The Department will review food service operations at each school included in the Administrative Review. If the Department disallows reimbursement for any meals on the basis outlined in 7 CFR 210.18 or the 2018-2019 Administrative Review Manual, then the Sponsor shall provide documentation showing the disallowed meals were deducted from the Claim for Reimbursement submitted to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, prior to receiving payment for the remainder of the Claim for Reimbursement.

(5) Program Records. The Sponsor must make available to the Department all program records required to demonstrate compliance with program requirements no later than 5:00 p.m. (EST) on the day of the Exit conference. Documentation will not be accepted after the scheduled Exit Conference, except that the Department may grant a one-time extension, per Administrative Review, to extend the timeframe to provide all required program records by seven (7) calendar days upon written request by the Sponsor when extraordinary circumstances arise, such as temporary school closures, natural disasters, extreme weather conditions, or other circumstances beyond the Sponsor's control.

(6) Claim Validation. During the Administrative Review, Claims for Reimbursement will be validated by verifying the number of meals claimed to have been served. Meals will be verified using a two-part review process that includes reviewing meal counts taken at the point of service and analyzing program invoices and receipts to determine the accurate number of meals eligible for reimbursement based on the amount and types of food purchased by the Sponsor. If the number of meals cannot be validated using the two-part review process, then Sponsor shall provide the following records to the Department as

required to demonstrate that such records validate the meal counts submitted with the Claim for Reimbursement:

(a) Beginning and ending inventory for each claim period (month);

(b) Production records for each meal service provided during the claim period;

(c) Receiving reports prepared at sites or wherever food is received from suppliers and signed by receiving personnel (i.e. delivery slips);

(d) Purchase invoices received from food suppliers;

(e) Records of returns, allowances, cash discounts taken, and other credits when they are not reflected on purchase invoices;

(f) Canceled checks or other forms of receipts showing receipt or proof of payment by the Sponsor; and

(g) Records of major inventory adjustments showing the same kinds of information as inventory records.

(h) Sponsors which contract with School Food Authorities or food service management companies to provide all meals, including supplements, must provide billings by site from the School Food Authority or food service management company, less returns, allowances, discounts, and rebates for the meals delivered and evidence that the Sponsor received or paid for the meals.

(7) Review Expansion. The Department will expand the scope of the Administrative Review beyond the one month review period when any of the program violations as specified in sub-subparagraph 5P-1.004(1)(a)1.f., F.A.C., noncompliance with the cost principles identified in 2 CFR 200, Subpart E, incorporated in Rule 5P-2.001, F.A.C., and conflicts of interest as prohibited by subsection 5P-2.003(4), F.A.C. are identified.

(8) Pre-Exit Debrief. Prior to the exit conference, the Department will hold a pre-exit debrief with the Sponsor to discuss the preliminary and tentative program deficiencies that have been identified prior to the completion of the Administrative Review. Program deficiencies preliminarily identified that result in needed corrective action will be addressed during the exit conference. A preliminary and tentative report will be sent via email, not later than the next business day following the Pre-Exit Debrief.

(9) Exit Conference. The Department will hold an exit conference with the Sponsor after the completion of the Administrative Review to discuss overall program operations, any program deficiencies observed, the extent of the program deficiencies, and the actions needed to correct the program deficiencies.

(10) Report. The Department will provide the Sponsor's Food Service Director and Superintendent (or an equivalent official) with the Administrative Review Report.

(a) The Administrative Review Report will include the program deficiencies observed, the needed corrective actions,

the deadlines for completion of the corrective action, and any potential fiscal action.

(b) The Administrative Review Report will be provided within thirty (30) calendar days of the exit conference at the close of the Administrative Review period. The Administrative Review Report will be sent via email to the Sponsor's email address on record with the Department. If requested by the Sponsor at the exit conference, the Administrative Review Report will also be sent by regular United States mail. The Administrative Review Report will be deemed received by the Sponsor five (5) calendar days following the date the report was emailed by the Department.

(11) Corrective Action. For any program deficiencies identified by the Department through an Administrative Review, Sponsors must submit a corrective action plan with supporting documentation to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within thirty (30) calendar days of receipt of the Administrative Review Report. The corrective action plan must include:

(a) Each identified program deficiency;

(b) The corrective action required;

(c) The timeframe by which the corrective action will be, or was completed; and

(d) Documentation to demonstrate corrective action was completed as prescribed in the Administrative Review Report.

(12) Extension Requests. The Department will extend the timeframe(s) specified to complete the required corrective action(s) upon the written request of the Sponsor when:

(a) A request to extend the timeframe(s) to complete the required corrective action(s) is submitted by the Sponsor to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within thirty (30) calendar days of receipt of the Administrative Review Report; and

(b) The request includes a justification that demonstrates good cause beyond the Sponsor's control for why the corrective action plan cannot be submitted by the original completion date and specify the Sponsor's proposed completion date. Good cause includes unanticipated closures, temporary closures, natural disasters, extreme weather conditions, or other circumstances beyond the Sponsor's control.

(13) Department Follow-up Reviews. Department Follow-up reviews of Sponsors and schools will be conducted:

(a) If the Sponsor is declared Seriously Deficient as a result of an Administrative or School Review;

(b) If a food safety deficiency is noted during an Administrative Review;

(c) If the number of meals claimed by a Sponsor for a school on any of the five preceding days of operation is 50% or more higher than the number of meals served as observed by

the Department or its designated representative during a School Review; or

(d) To ensure that corrective action has been taken as prescribed by the Department in the Administrative Review Report.

(14) If during the follow-up review, the Department determines that significant, repeated operational issues still exist at the Sponsor or school level, the Sponsor will be declared seriously deficient by the Department. A significant operational issue exists if, during the follow-up review, one or more of the following repeat operational issues still exist at the Sponsor level or for at least 50% of the Sponsor schools being reviewed:

(a) Failure to count meals at the point of service as prescribed in paragraph 5P-2.002(3)(a) that results in fiscal action exceeding ten (10) percent of the Claim for Reimbursement reviewed with the meal counts submitted during the follow-up review;

(b) Failure to maintain program records as prescribed in 7 CFR 210.8(a)(5) and 220.8(a)(3), incorporated in Rule 5P-2.001, F.A.C., that results in fiscal action that exceeds the \$600 overpayment disregard as prescribed in 7 CFR 210.19(d) and 220.15(c);

(c) Noncompliance with meal service times as prescribed in 7 CFR 210.10(l) and 220.8(l), incorporated in Rule 5P-2.001, F.A.C., that results in fiscal action that exceeds the \$600 overpayment disregard as prescribed in 7 CFR 210.19(d) and 220.15(c);

(d) Claiming of reimbursement payments for meals not served as prescribed in 7 CFR 210.18(g)(1) that results in fiscal action that exceeds the \$600 overpayment disregard as prescribed in 7 CFR 210.19(d) and 220.15(c);

(e) Serving of meals that do not meet the meal component or portion size requirements as prescribed in 7 CFR 210.10(c) and 220.8(c), incorporated in Rule 5P-2.001, F.A.C., that results in fiscal action that exceeds the \$600 overpayment disregard as prescribed in 7 CFR 210.19(d) and 220.15(c);

(f) Noncompliance with applicable procurement procedures and contract requirements of 2 CFR 200, incorporated in Rule 5P-2.001, F.A.C.;

(g) Unallowable expenses charged to the non-profit school food service account or improperly coded to the School Nutrition Program that exceed the \$600 overpayment disregard as prescribed in 7 CFR 210.19(d) and 220.15(c); or

(h) Failure to maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations.

(15) If a Sponsor is declared seriously deficient during an Administrative or School Review and is also declared seriously deficient during the follow-up review, or the follow-up review identifies a repeat violation of health, safety and sanitation

standards, the Sponsor will immediately be terminated in accordance with paragraph 5P-1.004(1)(a), F.A.C.

(16) While terminated, Sponsors and its principals, including their board members, corporate officials, and the officials identified on the Sponsor application in the Florida Automated Nutrition System at the time of the conduct leading to the termination shall not participate in any Child Nutrition and Food Distribution Program to include receiving USDA Foods, conducting business as a contractor, providing consulting services, or obtaining program related funds by any other means.

(17) Ad Hoc Reviews. The Department will conduct ad hoc Administrative Reviews, Claim Reviews, Site Visits, or Technical Assistance Visits of Sponsor's operation of the School Nutrition Programs at its discretion and when the following circumstances exist:

(a) The Department receives a complaint regarding the Sponsor's operation of the School Nutrition Programs; or

(b) The Department identifies unusual data or trends within the Sponsor's claims for reimbursement and any other information collected by the Department about the Sponsor's operation of the School Nutrition Programs, such as "block claiming" or meal counts that are disproportionate to enrollment. For the purposes of the School Nutrition Programs, a block claim is a claim with no variation in meal counts, for any single meal type or combination of meal types, for any continuous 15-day period within the claim month.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404, 595.501 FS. History-New _____.

5P-2.006 Fiscal Action.

(1) Fiscal Action. Fiscal Action is the recovery of overpayment by the Department to a Sponsor through direct assessment or offset of future Claims for Reimbursement, disallowance of any portion of a Claim for Reimbursement, disallowance of overclaims as reflected in unpaid Claims for Reimbursement, submission of a revised Claim for Reimbursement, and correction of program records to ensure that unfiled Claims for Reimbursement are corrected when filed. Fiscal action also includes disallowance of funds for failure to take corrective action to meet the meal requirements in 7 CFR 210.10 and 7 CFR 220.8, incorporated in Rule 5P-2.001, F.A.C., and restoration of funds to the Sponsor's nonprofit school food service account from a nonfederal source for unallowable costs pursuant to 2 CFR 200, incorporated in Rule 5P-2.001, F.A.C.

(2) Assessment of Fiscal Action. The Department will assess fiscal action for program deficiencies identified in 7 CFR 210.18(l)(1) through (2) and 7 CFR 210.18(l)(4), incorporated in Rule 5P-2.001, F.A.C., identified unallowable costs to the

program, embezzlement, willful misapplication of funds, theft, or fraudulent activity.

(3) Recovery of Payment. The Department's response to a Sponsor failing to submit an accurate Claim for Reimbursement is governed by 7 CFR 210.8 and 7 CFR 220.14, incorporated in Rule 5P-2.001, F.A.C., except that the Department will recover current fiscal year overpayments from a Sponsor by offsetting future Claims for Reimbursement within the same fiscal year. The Department will collect overpayments identified from a prior fiscal year from a Sponsor, and any fiscal action assessed pursuant to subsection (2) of this rule, through direct assessment using the following collection procedures:

(a) The Department will make a written demand to the Sponsor stating the Fiscal Action assessed via certified mail, return receipt requested. Written demands are deemed received by the Sponsor when it is delivered by certified mail, return receipt (or equivalent private delivery service). If the written demand is undeliverable, it is considered to be received by the Sponsor five days after being sent to the addressee's last known mailing address.

(b) If after thirty (30) calendar days following receipt of the written demand, the Sponsor has failed to remit full payment or agree to a satisfactory repayment schedule, a second written demand stating the Fiscal Action assessed will be sent to the Sponsor by the Department via certified mail, return receipt requested.

(c) If after sixty (60) calendar days following receipt of the original written demand, the Sponsor fails to remit full payment or agree to a satisfactory repayment schedule, a third written demand stating the Fiscal Action assessed will be sent to the Sponsor by the Department via certified mail, return receipt requested. This third demand will contain a due date of ninety (90) calendar days from the date of original demand for the Sponsor to remit full payment or agree to a satisfactory repayment schedule.

(d) If after ninety (90) calendar days following receipt of the original written demand, the Sponsor fails to remit full payment or agree to a satisfactory repayment schedule, the Department will begin the procedure for collection of delinquent accounts as set forth in section 17.20, F.S.

(e) While terminated, Sponsors and its principles, including their board members, corporate officials, and the officials identified on the Sponsor application in the Florida Automated Nutrition System at the time of the conduct leading to the termination, shall not participate in any Child Nutrition and Food Distribution Program to include receiving USDA Foods, conducting business as a contractor, providing consulting services, or obtaining program related funds by any other means.

(4) Withholding Payments. Notwithstanding 7 CFR 210.18(k)(3), incorporated in Rule 5P-2.001, F.A.C., the

Department will withhold program payments pursuant to 7 CFR 210.24 and 7 CFR 220.18, incorporated in Rule 5P-2.001, F.A.C., and for the causes specified in 7 CFR 210.18(k)(1), incorporated in Rule 5P-2.001, F.A.C.

(5) Penalties. Failure to comply with the requirements of this rule chapter will result in the penalties prescribed in Rule 5P-1.004, F.A.C.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), FS. Law Implemented 595.404, 595.501 FS. History-New _____.

5P-2.007 Professional Standards.

(1) Professional Standards. Sponsors must establish and implement professional standards for their School Nutrition Program directors, managers, and staff, as defined in 7 CFR 210.2 and 7 CFR 210.30, incorporated in Rule 5P-2.001, F.A.C.

(2) Hiring Standards.

(a) Sponsors must ensure all newly hired school nutrition program directors meet the minimum educational requirements in 7 CFR 210.30(b). A Sponsor may only use its nonprofit school food service account to pay the salary of a School Nutrition Program director who does not meet the hiring standards in 7 CFR 210.30 if the Sponsor complies with the Department's approved plan to ensure the director will meet the requirements.

(b) The hiring standards plan must be completed within the first year of the School Nutrition Program director's appointment to this position. If the Sponsor fails to comply with the hiring standards plan, the Sponsor will be deemed Seriously Deficient and subject to termination, pursuant to paragraph 5P-1.004(1)(a), F.A.C.

(c) For the purposes of the School Nutrition Programs, 'relevant school nutrition experience' as required in 7 CFR 210.30(b) refers to previous work experience in the National School Lunch Program and School Breakfast Program, and experience in other Child Nutrition Programs, such as the Child and Adult Care Food Program or the Summer Food Service Program. 'Relevant food service experience' refers to work in the food service industry, including, but not limited to, hospitals, healthcare facilities, nursing homes, restaurants, cafeterias, free meal centers, and university dining services. Documented unpaid or volunteer experience will be considered relevant.

(d) For the purposes of the School Nutrition Programs, the Department recognizes the following certificate as the 'State recognized certificate for school nutrition directors' as required in 7 CFR 210.30:

1. School Nutrition Association School Nutrition Specialist (SNS) Credential; or

2. Association of Nutrition & Foodservice Professionals Certified Dietary Manager or Certified Food Protection Professional (CDM®, CFPP®) Credential.

(3) Continuing Education and Training Standards. Continuing education and training for school nutrition program managers, directors, and staff is required as provided in 7 CFR 210.30(e). In addition, time spent in non-interactive activities, such as observing a product demo or visiting an industry exhibit room, where information, materials or equipment relative to the topics specified at 7 CFR 210.30(b)(3) for school nutrition program directors, 7 CFR 210.30(c) for school nutrition program managers, and 7 CFR 210.30(d)(1)-(5) for all staff with responsibility for school nutrition programs, may count toward no more than two hours of annual training. Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), FS. Law Implemented 595.404, FS. History-New _____.

5P-2.008 Waiver Requests.

(1) Waiver Request Protocol. Sponsors desiring a waiver of a federal statutory or regulatory requirement must submit a waiver request to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the FNS Child Nutrition Program State Waiver Request Template, revised as of 2018, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-xxxxx>, and by email request to the Department at InfoFNW@fdacs.gov.

(a) Each section of the FNS Child Nutrition Program State Waiver Request Template must be completed in order for the waiver request to be considered. A complete waiver request must provide the information required by Section 12(l) of the National School Lunch Act, 42 U.S.C. 1760(l), revised as of January 21, 2020, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>, and by email request to the Department at InfoFNW@fdacs.gov, including:

1. The federal statutory or regulatory requirements that are requested to be waived;
2. A description of the goal of the waiver to improve services under the School Nutrition Programs and the expected outcomes if the waiver is granted; and
3. A description of the impediments to the efficient operation and administration of the program.

(b) The Department will submit completed FNS Child Nutrition Program State Waiver Request Templates to the USDA Food and Nutrition Service (FNS) regional office.

(c) The Department will publish notice of waiver requests on behalf of the Sponsor prior to sending to FNS by publishing a notice in the Florida Administrative Register (FAR), which is the same manner in which the Department usually provides similar notices and information to the public.

(2) Waiver Decisions.

(a) Waivers will be granted or denied by FNS in accordance with 42 USC 1760(1). All responses to waiver requests, including approvals or denials, will be provided by FNS in writing through the Department.

(b) When possible, waiver requests should be submitted, at minimum, 60 days prior to Sponsor's anticipated implementation of the waiver.

(c) Waivers will only be effective for the limited time period stated in the waiver. After the initial waiver period provided by FNS has expired, if the waiver is still needed, Sponsors must request renewal of the waiver through the Department. A renewal waiver request will be processed in the same manner as an initial waiver request.

(3) Monitoring and Reporting. The Department and FNS will review the performance of Sponsors' School Nutrition Program operations under the waiver.

(a) Each request to waive School Nutrition Program requirements must include proposed data reporting that will enable FNS and the Department to assess the effect of the waiver on School Nutrition Program administration and monitor its impact. At a minimum, reports must include:

1. A summary of the use of waiver by the Sponsor(s);
2. A description of whether the waiver resulted in improved services to recipients/participants;
3. A description of the impact of the waiver on providing nutritional meals to participants;
4. A description of how the waiver reduced the quantity of paperwork necessary to administer the program; and
5. Any additional information requested in the waiver approval by the Department or FNS.

(b) The Department and FNS will consider the data reports during the implementation of the waiver by the Sponsor and with any request for renewal of the waiver. Sponsors must adhere to existing applicable monitoring and reporting requirements, as well as those outlined in the waiver approval issued by FNS, to ensure continued operation throughout the approved waiver period. FNS may revoke a Sponsor's waiver or deny future waiver requests if the Sponsor fails to fulfill the monitoring and reporting requirements.

(4) Waiver Termination. If the Department or FNS determines that the waiver leads to deficits in School Nutrition Programs operations or to an increase in the overall cost of the program to the federal government and the increase has not been paid for with non-federal funds, FNS may terminate the waiver as provided in 42 USC 1760(1).

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), FS. Law Implemented 595.404, FS. History-New _____.

5P-2.009 Emergency Meals.

Emergency meal services shall be administered as provided in subsection 5P-3.001(10), F.A.C. paragraph 5P-3.001(11)(a); F.A.C. In addition, Sponsors must do the following:

(1) ~~Eligibility. In the event of an unanticipated school closure during the school year, the department will provide an expedited approval for School Districts, as defined in Section 595.402(5), F.S., operating National School Lunch Program with current agreements to operate the Summer Food Service Program, pursuant to subsection 5P-3.001(11), F.A.C., if the Sponsor submits a letter of intention to provide such emergency meals to the department online at <https://fans.freshfromflorida.com>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, accompanied by the Sponsor's application to participate in the Summer Nutrition Program Summer Food Service Program, pursuant to paragraph 5P-3.001(1)(a), F.A.C., and contain the following:~~

~~(a) A list of the sites that would be activated to serve emergency meals;~~

~~(b) The contact person for the School District regarding service of emergency meals;~~

~~(c) The estimated number of children to be served;~~

~~(d) Time(s) in which meals will be served;~~

~~(e) Type(s) of meals to be served (i.e., breakfast, lunch, snack, and/or supper);~~

~~(2) Location. Emergency meals must be served at the site and during the time(s) indicated in the letter of intention. If the Sponsor is unable to serve meals at the location and during the time(s) indicated in the letter of intention, the Sponsor must submit, using the same method described in subsection 5P-2.009(1), F.A.C., a request to change the location or time and the reason for the change.~~

~~(3) Meal Pattern. All emergency meals served must meet the meal pattern requirements in 7 CFR 225.16(d) revised as of January 1, 2018, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10857>.~~

~~(4) Claims for Reimbursement. Sponsors must submit Claims for Reimbursement in accordance with Rule 5P-3.004, F.A.C.~~

~~(5) Record Retention. Sponsors must maintain all records necessary to demonstrate compliance with the requirements in this rule, pursuant to 7 CFR 225.15(e) revised as of January 1, 2018, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10856>. Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404, 595.501 FS. History—New 8-19-19, Amended _____.~~

5P-2.010 Civil Rights Compliance and Enforcement.

(1) Other Federal Requirements. All Sponsors must comply with the following requirements:

(a) Title VI of the Civil Rights Act of 1964, effective July 2, 1964, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(b) Americans with Disabilities Act of 1990, effective July 26, 1990, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(c) American with Disabilities Act Amendment Act of 2008, effective January 1, 2009, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(d) Title IX of the Education Amendments of 1972, effective June 23, 1972, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(e) Section 504 of the Rehabilitation Act of 1973, effective September 26, 1973, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(f) Section 508 of the Rehabilitation Act of 1973, effective in 1998, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(g) The Age Discrimination Act of 1975, effective November 28, 1975, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(h) The Civil Rights Restoration Act of 1987, effective March 22, 1988, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>;

(i) The Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964 at 28 CFR 50.3, revised as of July 1, 2021, and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>; and

(j) USDA's regulations concerning nondiscrimination in 7 CFR parts 15, 15a, 15b and 16, incorporated in Rule 5P-2.001.

(2) Materials in paragraphs (1)(a)-(i) above may also be obtained by email request to the Department at InfoFNW@fdacs.gov.

(3) Sponsors shall also comply with requirements for racial and ethnic participation data collection, public notification of the nondiscrimination policy, and reviews to assure compliance with such policy. No person shall, on the grounds of race, color, national origin, sex (including gender identity and sexual orientation, unless Sponsor is exempt from such requirement under federal law), age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, or reprisal or retaliation for prior civil rights activity while participating in or attempting to participate in the School Nutrition Programs.

(4) Complaints. Any person or representative alleging discrimination based on a prohibited basis by a Sponsor or its staff may file a complaint within 180 days of the alleged discriminatory action by completing and submitting the USDA Program Discrimination Complaint Form (AD-3027, expiration date 05/31/2024, OMB Control Number 0508-0002), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-XXXXX>, and by email request to the Department at InfoFNW@fdacs.gov, by mail to USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave, SW, Stop 9410, Washington, D.C. 20250-9410, or by facsimile to 1-833-256-1665.

(a) In the event a complainant makes allegations of discrimination verbally or in person or refuses or is not inclined to place such allegations in writing, the Sponsor's staff to whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

1. Name, address, and telephone number or other means of contacting the complainant;

2. The specific location and name of the Sponsor and/or School Nutrition Program school;

3. The nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants;

4. The basis on which the complainant believes discrimination exists;

5. The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and

6. The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.

(b) Complaints of discrimination filed by applicants or participants shall be referred by the Department to the Food and Nutrition Service Civil Rights Division (FNS CRD) within five (5) calendars of receipt of the complaint.

(c) Complaints alleging discrimination on the basis of age, regardless of whether other bases of discrimination are alleged, will be referred to the Food and Nutrition Service Civil Rights Division within five (5) working days after receiving the complaint. FNS CRD will refer the complaint to the Federal Mediation and Conciliation Service (FMCS) for mediation within 10 calendar days of initial receipt.

(5) Limited English Proficiency. Sponsors must take reasonable steps to assure meaningful access to the information and services they provide as required FNS Instruction 113-1 FNS-620 (1-99), incorporated in Rule 5P-3.002. Reasonable steps to assure meaningful access shall be assessed based on the following factors:

(a) The number or proportion of persons with Limited English Proficiency eligible to be served or likely to be encountered by the Sponsor's School Nutrition Program;

(b) The frequency with which individuals with Limited English Proficiency come in contact with the Sponsor's School Nutrition Program(s);

(c) The nature and importance of the Sponsor's School Nutrition Program(s) to people's lives; and

(d) The resources available to the Sponsor and costs.

(6) Effective Communication. Sponsors must provide aids and services when needed to communicate effectively with applicants, participants, and potentially eligible persons of their program who have communication disabilities to ensure that the persons with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the Sponsor unless doing so would result in significant difficulty or expense with regard to the nature and cost of the aid or service relative to the Sponsor's size, overall financial resources, and overall expenses. If a particular aid or service would result in significant difficulty or expense, the Sponsor must provide another effective aid or service, if possible, that would not result in significant difficulty or expense.

(a) Sponsors are not required to provide any particular aid or service in rare circumstances where it would fundamentally alter the nature of the services provided to the public; however, Sponsors are required to accept telephone calls placed through Telecommunications Relay Service (TRS) and Video Relay Service (VRS), and staff who answer the telephone must treat relay calls just like other calls.

(b) Sponsors must consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication as well as with that person's parent, spouse, or companion in appropriate circumstances. The

term “companion” includes any family member, friend, or associate of a person seeking or receiving services who is an appropriate person with whom the Sponsor should communicate. The Sponsor shall provide effective communication, including the use of interpreters.

(c) Sponsors cannot require a person to bring someone to interpret for him or her. A Sponsor can rely on a companion to interpret in the following situations:

1. In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available; or

2. In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when the individual requests this, the accompanying adult agrees, and reliance on the accompanying adult is appropriate under the circumstances. This exception does not apply to minor children. Sponsors may not rely on an accompanying adult to interpret when there is reason to doubt the person’s impartiality or effectiveness.

(d) Sponsors are encouraged to consult with the person with a disability to discuss what aid or service is appropriate. Sponsors may require reasonable advance notice from people requesting aids or services, based on the length of time needed to acquire the aid or service, but may not impose excessive advance notice requirements. “Walk-in” requests for aids and services must also be honored to the extent possible.

(e) Sponsors must provide comprehensive and ongoing training to staff interacting with participants regarding the Americans with Disabilities Act (ADA) requirements for communicating effectively with people who have communication disabilities.

(7) Public Notification. Each Sponsor must take specific action to inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.

(a) Sponsors must advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.

(b) All information materials and sources, including websites, used by the Sponsor to inform the public about the School Nutrition Programs must contain a nondiscrimination statement. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information.

(c) Each Sponsor must take the following actions to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the

School Nutrition Program(s) and the applicable Civil Rights requirements:

1. Prominently display the applicable USDA nondiscrimination poster “And Justice for All,” or an FNS approved substitute;

2. Inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), of the School Nutrition Program(s) or changes in School Nutrition Program(s). This includes information pertaining to eligibility, benefits, and services, the location of local facilities or service delivery points, and hours of service. This information shall be communicated by methods including, but not limited to, Internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins;

3. Provide appropriate information, including web-based information, in alternative formats for persons with disabilities;

4. Include the required nondiscrimination statement on all appropriate School Nutrition Program publications, websites, posters, and informational materials provided to the public; and

5. Convey the message of equal opportunity in all photographic and other graphics that are used to provide School Nutrition Program or program-related information.

(8) Civil Rights Training. Sponsors are responsible for training their staff who interact with program applicants and participants. Staff who interact with program applicants or participants and persons who supervise those staff, must be provided civil rights training on an annual basis by the Sponsor. Specific subject matter must include, at a minimum, the collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

(9) Data Collection and Reporting. The collection and reporting of data on the actual number of children applying for free and reduced-price meals or free milk, by ethnic or racial group, is required by Department of Justice (DOJ) Regulations, 28 CFR part 42, revised as of July 1, 2021, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-xxxxx>, and by email request to the Department at InfoFNW@fdacs.gov.

(a) Sponsors must develop a method for data collection. Methods include determination of the information by a school official through personal knowledge or voluntary self-identification by an applicant on the free and reduced-price meal or free milk application. The Department may also use data or information collected by other Federal agencies and the Florida Department of Education. Sponsors must maintain this information on file for three (3) years.

(b) Sponsors must establish procedures to ensure that the information is made available only to authorized State and Federal personnel as requested, or as part of Office of Management and Budget (OMB) approved surveys. Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), FS. Law Implemented 595.404, FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vianka Colin, Director, Division of Food, Nutrition and Wellness

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Wilton Simpson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 8, 2022

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: In 2020, the Legislature passed Senate Bill 712 (SB 712) (a.k.a. the Clean Waterways Act, now in Chapter 2020-150, Laws of Florida). SB 712 directed the Florida Department of Environmental Protection (FDEP) and the water management districts (WMDs) to: (1) update the Environmental Resource Permit (ERP) stormwater design and operation regulations, using the latest scientific information to increase the removal of nutrients from stormwater discharges, and (2) consider and address low-impact design best management practices (BMPs) and design criteria that increase removal of nutrients from stormwater, and measures to reduce pollutant loadings by consistent application of the net water quality improvement performance standard. The South Florida Water Management District (SFWMD) proposes to amend the “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the South Florida Water Management District” (SFWMD’s Applicant’s Handbook Vol. II) to conform to FDEP’s amendments to Chapter 62-330, F.A.C., and “Environmental Resource Permit Applicant’s Handbook Volume I (General and Procedural)” (FDEP’s Applicant’s Handbook Vol. I), which applies statewide and is incorporated in Chapter 62-330, F.A.C.

SUMMARY: The proposed amendments to SFWMD’s Applicant’s Handbook Vol. II include: (1) removing all water quality volumetric criteria because these criteria will now be covered in Chapter 62-330, F.A.C., and FDEP’s ERP Applicant’s Handbook Vol. I General and Procedural (FDEP’s Applicant’s Handbook Vol. I), which applies statewide; (2) updating and clarifying SFWMD’s remaining criteria for

various BMPs; (3) eliminating dry detention as a BMP due to its low ability to remove nutrients; (4) updating and conforming dam safety criteria with FDEP’s changes to its dam safety rules; (5) updating Appendix B “Above Ground Impoundments” to add design criteria for above ground facilities that could impound water; (6) removing Appendix C, which contains isohyetal maps, and adding a hyperlink to those maps in Section 5.6.2(a); (7) updating Appendix D, which will now be Appendix C, to remove the map of “SFWMD Basins for Cumulative Impact Assessments & Mitigation Bank Service Areas” because it is duplicative of the map contained in FDEP’s Applicant’s Handbook Vol. I, and replacing it with criteria for “Exfiltration System Trench Design”; (8) updating Appendix E, which will now be Appendix D, to remove “Procedure for Environmental Resource Permit Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards” because this criteria will be included in FDEP’s Applicant’s Handbook Vol. I, and replacing it with criteria for “Soil Storage Values”; (9) adding the National Oceanic and Atmospheric (NOAA) Atlas 14 Volume 9 Version 2.0 and incorporating it by reference in Rule 40E-4.091, F.A.C., and (10) making other miscellaneous minor edits, clarifications, and conforming changes throughout. The SFWMD also proposes to update its incorporation of Chapter 62-302, F.A.C. (effective 11/17/2016) and Chapter 62-550, F.A.C. (effective 8/5/2016) to the current rules.

The proposed amendments to the “Environmental Resource Permit Applicant’s Handbook Volume II for Use Within the Geographic Limits of the South Florida Water Management District” are available online at: <https://www.sfwmd.gov/doing-business-with-us/rules>.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District completed the Governor’s Office of Fiscal Accountability and Regulatory Reform’s (OFARR) form, “Is a SERC Required?” and prepared a summary of the proposed rule amendments, both of which are available upon request. Based on these documents, the proposed rule amendment does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.103, 373.113, 373.413, 373.418, 373.4131, 373.441, FS.

LAW IMPLEMENTED: 373.016, 373.429, 373.439, 373.046, 373.413, 373.4131, 373.414, 373.4142, 373.416, 373.418, 373.426, 373.441 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Rosie Byrd, District Clerk, 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jesse Markle, P.E., Bureau Chief, Regulation, jmarkle@sfwmd.gov, or (561)682-6274.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference herein:

(a) “Environmental Resource Permit Applicant’s Handbook, Volume II For Use Within the Geographic Limits of the South Florida Water Management District (*effective date*), ~~May 19, 2016~~, {insert URL} <https://www.flrules.org/Gateway/reference.asp?No=Ref-06805>, which incorporates the following forms or materials by reference:

1. U.S. Department of Agriculture, Soil Conservation Service, “Rainfall Frequency Atlas of Alabama, Florida, Georgia and South Carolina for Durations from 30 Minutes to 24 Hours and Return Periods from 1 to 100 years” (1978), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02975>, referenced in Section ~~5.6.2(d)~~ 5.7.2(e);

2. Florida Department of Transportation “Drainage Manual, Appendix B: IDF-Curves, Precipitation Data, Rainfall Distributions” (August 2001), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02981>, referenced in Section ~~5.6.2(e)~~ 5.7.2(d);

3. U.S. Department of Agriculture, Natural Resources Conservation Service, “National Engineering Handbook, Section 4, Part 630, Chapter 10” (2004),

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02983>, referenced in Section ~~5.6.6(b)~~ 5.7.6(b);

4. Chapter 27, Article XIII, Wellfield Protection Ordinance, Broward County Code of Ordinances, last amended September 28, 1999, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00052>, reference in Section ~~4.1.1(b)6.b. 4.2.2(b)6.b~~;

5. Dade County Wellfield Protection Ordinance contour showing maximum limits (Section 24-43 Protection of Public Potable Water Supply Wells; Chapter 24 Environmental Protection; Code of Metropolitan Dade County, Florida; Codified through Ordinance No. 11-01, enacted January 20, 2011 (Supp. No. 68)), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00053>, referenced in Section ~~4.1.1(b)6.c. 4.2.2(b)6.e~~.

6. National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Volume 9 Version 2.0: Southeastern States (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi) {insert URL}, referenced in Section 5.6.2(f).

(b) No Change.

(c) State water quality standards set forth in Chapter 62-4, F.A.C., (2/17/2016) [\[http://www.flrules.org/Gateway/reference.asp?No=Ref-06802\]](http://www.flrules.org/Gateway/reference.asp?No=Ref-06802), Chapter 62-302, F.A.C., (~~11/17/2016~~ 2/17/2016) {insert URL}

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06803>], Chapter 62-520, F.A.C., (7/12/2009) [\[http://www.flrules.org/Gateway/reference.asp?No=Ref-02977\]](http://www.flrules.org/Gateway/reference.asp?No=Ref-02977), and Chapter 62-550, F.A.C., (~~8/5/2016~~ 7/7/2015) {insert URL}

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06804>]. The state water quality standards are also defined and incorporated in Section 2.1.19 of the Applicant’s Handbook, Volume II.

(d) No Change.

(e) No Change.

(2) The documents listed in subsection (1) can also be obtained at no cost by contacting the South Florida Water Management District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 686-8800 ~~682-6436~~.

PROPOSED EFFECTIVE DATE: This rule will become effective on July 1, 2023, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Florida Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on November 19, 2020 (Vol. 46, No. 236) take effect, whichever is later.

Rulemaking Authority 373.044, 373.103, 373.113, 373.413, 373.418, 373.4131, 373.441 FS. Law Implemented 373.016, ~~373.042~~, 373.429,

373.439, 373.046, 373.413, 373.4131, 373.414, 373.4142, 373.416, 373.418, 373.426, 373.441 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09, 7-1-10, 7-4-10, 12-15-11, 5-20-12, 10-1-13, 8-10-14, 5-22-16 (1)(c), 5-22-16 (1)(a),_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jesse Markle, P.E., Bureau Chief, Regulation, jmarkle@sfwmd.gov, or (561) 682-6274.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 18, 2020

Section III
Notice of Changes, Corrections and Withdrawals

NONE

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: RULE TITLE:

64B20-4.004 Supervision of Speech-Language Pathology Assistants and Audiology Assistants

NOTICE IS HEREBY GIVEN that on April 20, 2023, the Board of Speech-Language Pathology and Audiology, received a petition for variance and waiver filed by Joanne Conter and Dan Gardner d/b/a Gardner Audiology. Petitioners seek a variance or waiver of subsection 64B20-4.004(4), F.A.C., which states that the maximum number of assistants supervised by one licensee shall not exceed two (2) full-time or three (3) part-time assistants. Comments on this petition should be filed with the Board of Speech-Language Pathology and Audiology,

4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Danielle Terrell, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Danielle.Terrell@flhealth.gov.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District One announces a workshop to which all persons are invited.

DATE AND TIME: May 1, 2023, 8:30 a.m. – 4:00 p.m.

PLACE: FDOT Manatee Operations Center, 14000 FL-64, Bradenton, FL 34212

GENERAL SUBJECT MATTER TO BE CONSIDERED: District One’s Planning Studio will be hosting a workshop focusing on safe speeds and the counter measures than can be used to address the speeding challenges that face us today.

District One is committed to working with its communities on reducing and managing speeds to increase safety and measurably reduce crash rates and crash severity, while simultaneously advancing the Department’s policies of complete streets and context-sensitive design.

Safe speeds are one of the 5 elements in the safe systems approach that is being used as we work toward driving down fatalities and serious injuries on our roadways. In addition to safety, projects need to advance the FDOT’s policies for raising the quality of life for people living and visiting Florida and promote economic well-being.

To achieve quality of life and attract people and business, the “path” (e.g., street, road, corridor, boulevard...) needs to contribute to its “place.”

The ways in which the Department considers and creates the spaces, through which people move, has the power to deeply improve the human experience (e.g., quality of life), influence how they behave (e.g., speed management), and affect their decisions (e.g., economic development, development patterns, modal choices, etc.)

To invest in community infrastructure, the right people have to be involved in the conversation. Community leaders, such as yourself, have the last say in how communities are built, what network is planned to move people, and how the land uses play a role in the comfort of people navigating to their destinations. The meeting will have a presentation and participatory exercises from 8:30 a.m. – 4:00 p.m.

The Florida Department of Transportation may adopt this planning product into the environmental review process, pursuant to Title 23 U.S.C. § 168(d)(4), or to the state project development process.

A copy of the agenda may be obtained by contacting: Amanda Alejos by email at Amanda.Alejos@dot.state.fl.us or by phone at 1(863) 519-2392.

For more information, you may contact: FDOT Project Manager, Bessie Reina by email at Bessie.Reina@dot.state.fl.us or by phone at 1(863)-519-2656.

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

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

DATE AND TIME: April 26, 2023, 10:30 a.m.

PLACE: Glades County Department of Health, 1021 South Park Drive, Moore Haven, FL 33471

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting and to discuss the Transportation Disadvantaged program and provide input to the Local Coordinating Board (LCB) serving Glades and Hendry Counties.

A copy of the agenda may be obtained by contacting: Marybeth Soderstrom at 1(863)534-7130, ext. 134 or visit www.heartlandregionaltpo.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marybeth Soderstrom at 1(863)534-7130, ext. 134 or visit www.heartlandregionaltpo.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Marybeth Soderstrom at 1(863)534-7130, ext. 134 or visit www.heartlandregionaltpo.org.

METROPOLITAN PLANNING ORGANIZATIONS

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 9, 2023, 2:00 p.m. - Until Conclusion of Business.

PLACE: Virtual - Teams Meeting (See Below)

GENERAL SUBJECT MATTER TO BE CONSIDERED: MPOAC Policy & Technical Committee Meeting/Teleconference

Microsoft Teams meeting

Join on your computer, mobile app or room device

Meeting ID: 270 695 177 581

Passcode: 6Fbzv7

Join with a video conferencing device

11384774@t.plcm.vc

Video Conference ID: 115 595 859 7

Alternate VTC instructions

Or call in (audio only)

+1 850-739-5589,,343079922# United States, Tallahassee

Phone Conference ID: 343 079 922#

A copy of the agenda may be obtained by contacting: Lisa O. Stone, by email: lisa.o.stone@dot.state.fl.us or (850) 414-4037. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lisa O. Stone, by email: lisa.o.stone@dot.state.fl.us or (850) 414-4037. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lisa O. Stone, by email: lisa.o.stone@dot.state.fl.us or (850) 414-4037.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 9, 2023, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Public Hearings, and/or Committee Meetings. Consideration of Suwannee River Water Management District business. All or part of this meeting may be conducted by means of communications media technology. GoTo Webinar information regarding viewing of and participation in the meeting will be available on the District's website at www.mysuwanneeriver.com.

A copy of the agenda may be obtained by contacting: (386)362-1001 or 1(800)226-1066 (Florida only) or on the District's website at www.mysuwanneeriver.com, when published.

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: (386)362-1001 or 1(800)226-1066 (Florida only). 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 MANAGEMENT SERVICES

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 8, 2023, 9:30 a.m. – 5:00 p.m.

PLACE: CCOC- Betty Easley Conference Center 4075 Esplanade Way, RM 152 Tallahassee, FL 32399, Dail in (Toll Free); 1 866 899 4679, Untied States: + 1 (571) 317-3116, Access Code: 488-454-357, Audio Pin: (None) Select #

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Joint Task Force (JTF) Technical Committee will discuss items to bring to the attention of the JTF Board regarding the Statewide Law Enforcement Radio System (SLERS).

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: Gloria Watford, (850)412-6867, Gloria.Watford@dms.fl.gov. The agenda and handouts will be made available closer to the date of the meeting at the following web address: https://www.dms.myflorida.com/business_operations/telecommunications/public_safety_communications/radio_communications_services/statewide_law_enforcement_radio_system_slers/upcoming_joint_task_force_meetings.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

The Florida Board of Osteopathic Medicine in consultation with Members of the Boards of Medicine and Pharmacy announces a public meeting to which all persons are invited.

DATE AND TIME: May 23, 2023, 12:30 p.m., ET

PLACE: Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/703584645>

You can also dial in using your phone. Access Code: 703-584-645, United States (Toll Free): 1(877)-309 2073, United States: 1(646)749-3129

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Joint Rules Committee to include consideration of recommended amendments to 64B16-31.007, F.A.C., Collaborative Practice Certification; Chronic Health Conditions.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: (850)245-4474. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: (850)245-4474.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

The Wildlife Alert Reward Association announces a public meeting to which all persons are invited.

DATE AND TIME: May 8, 2023, 2:00 p.m.

PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wildlife Alert Reward Association Business.

A copy of the agenda may be obtained by contacting: Patrick Walsh, patrick.walsh@myfwc.com

For more information, you may contact: Patrick Walsh, patrick.walsh@myfwc.com

BRYANT MILLER OLIVE

The Capital Trust Authority announces a hearing to which all persons are invited.

DATE AND TIME: April 28, 2023, 10:00 a.m., CST / 11:00 a.m., EST

PLACE: Telephonic conference, using the instructions provided herein.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Capital Trust Authority (the “CTA”) has been requested by Southeastern University, Inc., a Florida not for profit corporation (the “Borrower”), and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), and/or one or more related and/or affiliated entities, to issue its Educational Facilities Revenue Refunding Bonds (Southeastern University, Inc. Project), in one or more series of tax-exempt qualified 501(c)(3) bonds or taxable bonds, in an aggregate principal amount not to exceed \$83,000,000 (the “Bonds”).

For the purposes of Section 147(f) of the Code, notice is hereby given that, in accordance with the Internal Revenue Service Revenue Procedure 2022-20, a telephonic public hearing will be held by a hearing officer on behalf of the CTA on April 28, 2023 at 10:00 a.m., CST / 11:00 a.m., EST, or as soon thereafter as the matter may be heard, using the telephone conference instructions provided herein. The purpose of the hearing is to take public comments regarding the issuance of said Bonds by the CTA, the nature and location of the Project (hereinafter

defined) and the plan of finance. The proceeds of the Bonds will be loaned to the Borrower by the CTA for the purpose of financing or refinancing, including through reimbursement, (i) the acquisition, development, construction and equipping of certain capital improvements to the Borrower's educational and athletic facilities, all of which are to be located at 1000 Longfellow Boulevard, Lakeland, Florida 33801 (collectively, the "New Facilities"); (ii) refinancing all of the (A) City of Lakeland, Florida Educational Facilities Revenue Refunding Bonds (Southeastern University, Inc. Project), Series 2013A, Series 2013B, and Series 2013C, each dated November 26, 2013; (B) City of Lakeland, Florida Educational Facilities Revenue Bonds (Southeastern University, Inc. Project), Series 2015, dated July 13, 2015; (C) Promissory Note, dated December 16, 2016, and Educational Facilities Revenue Refunding Note (Southeastern University, Inc. Project), Series 2017, dated June 16, 2017, each by the Borrower in favor of CenterState Bank of Florida, N.A., and (D) Promissory Note, dated May 22, 2020, by the Borrower in favor of CenterState Bank, N.A., the proceeds of which were used to finance or refinance, including through reimbursement, the acquisition, construction, renovation, improvement and equipping of certain educational facilities, more fully described below (collectively, the "Existing Facilities," together with the New Facilities, the "Facilities"), and to further certain of the Borrower's not for profit educational purposes; (iii) funding a debt service reserve fund, if deemed necessary or desirable; and (iv) paying certain bond issuance costs of the Bonds (collectively, the "Project"). The Existing Facilities consist primarily of the following, all of which are located at 1000 Longfellow Boulevard, Lakeland, Florida 33801:

(A) capital improvements to various campus buildings, various student dormitory facilities, campus road improvements, a student dining facility, a student recreational facility, an academic building, an administration building, a maintenance building, a swimming pool and a campus walkway; and
(B) capital improvements to the Borrower's educational and athletic facilities, generally including, but not limited to (i) a new Administration and Athletics Operations Building, (ii) a new Live and Learn Facility, (iii) the Student Activities Center, and (iv) a new approximately 4-story, 400 space parking garage.

The plan of finance contemplates that the CTA will issue, in respect to the Project, not exceeding \$83,000,000 in aggregate principal amount of its Bonds, in one or more series of tax-exempt qualified 501(c)(3) bonds or taxable bonds, and loan the proceeds of the Bonds to the Borrower to provide funds for the Project. The Facilities will be owned by the Borrower, or an affiliate thereof or another entity chosen by the Borrower.

The Bonds, when issued, will be special, limited obligations payable solely out of the revenues, income and receipts pledged

to the payment thereof and derived from financing agreements with the Borrower, and none of the CTA, Polk County, Florida (the "County") or the State of Florida (the "State") will be obligated to pay the principal of, premium, if any, or interest on the Bonds except from the payments of the Borrower. The Bonds and the interest thereon shall never (i) pledge the taxing power of the County, the State or any other political subdivision, public agency or municipality thereof within the meaning of any constitutional or statutory provision, (ii) constitute the debt or indebtedness of the CTA, the County, the State or any other political subdivision, public agency or municipality thereof within the meaning of any constitutional or statutory provision, or (iii) pledge the full faith and credit of the CTA, the County, the State or any political subdivision, public agency or municipality thereof. CTA has no taxing power. Issuance of the Bonds is subject to several conditions including satisfactory documentation and receipt of necessary approvals for the financing.

INTERESTED PERSONS ARE ENCOURAGED TO ATTEND BY TELEPHONE CONFERENCE USING THE INSTRUCTIONS BELOW. ANY PERSONS WISHING TO PRESENT ORAL COMMENTS IN PERSON MUST NOTIFY THE CTA BY WRITTEN NOTICE AT LEAST 24 HOURS BEFORE THE HEARING, IN ORDER THAT SOCIAL DISTANCING ACCOMMODATIONS MAY BE MADE FOR THOSE IN ATTENDANCE. PRIOR TO SAID TELEPHONIC PUBLIC HEARING, WRITTEN COMMENTS MAY BE DELIVERED TO THE CTA AT 315 FAIRPOINT DRIVE, GULF BREEZE, FLORIDA 32561, ATTENTION EXECUTIVE DIRECTOR.

TELEPHONE CONFERENCE INSTRUCTIONS:
TOLL FREE DIAL IN NUMBER: (800) 747-5150
CONFERENCE CODE: 6545833

At the date and time fixed for said telephonic public hearing all who appear in person or by telephone conference will be given an opportunity to express their views for or against the Project and the proposed approval of the issuance of said Bonds by the CTA and the plan of finance. All persons are advised that, if they decide to appeal any decision made with respect to the proposed approval of the issuance of said Bonds, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. All interested persons are invited to present their comments on the date and time set forth above.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS TELEPHONIC PUBLIC HEARING BECAUSE OF

THAT DISABILITY SHOULD CONTACT THE HEARING OFFICER AT (850) 934-4046 AT LEAST 48 HOURS IN ADVANCE OF THE HEARING, EXCLUDING SATURDAY AND SUNDAY.

A copy of the agenda may be obtained by contacting: The Hearing Officer At (850) 934-4046.

For more information, you may contact: The Hearing Officer At (850) 934-4046.

ASSOCIATION OF FLORIDA COLLEGES

The Florida College System Council of Presidents announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 21, 2023, 9:00 a.m., Eastern Time

PLACE: Zoom

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Florida College System.

A copy of the agenda may be obtained by contacting: Rebecca Turner at 727-341-3241 or turner.rebecca@spcollege.edu

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: Rebecca Turner at 727-341-3241 or turner.rebecca@spcollege.edu. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Turner at 727-341-3241 or turner.rebecca@spcollege.edu

FLORIDA SURPLUS ASSET FUND TRUST

The Florida Surplus Asset Fund Trust announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 27, 2023, 1:00 p.m. via Zoom

PLACE: Zoom Meeting ID: 863 7873 3798; Passcode: 275702

GENERAL SUBJECT MATTER TO BE CONSIDERED: MEETING OF THE BOARD OF TRUSTEES - BOARD OF PARTICIPANTS

A. BUSINESS ITEMS

1. Call to Order/ Roll Call
2. Participant and Guest Introductions
3. Public Comments
4. Approval Prior Board Meeting Minutes
 - (a) January 26, 2023
5. 2022 FL SAFE Audit, Jeff Larson, Administrator; Christopher Knopik, CLA

6. CLA 3-Year Statement of Work, Fees, and Audit Services – Jeff Larson

7. Update on FL SAFE Logo and Trademark – Jeff, Akerman, PMA

B. STAFF REPORTS

1. Investment Advisor/Operations Manager Update - PMA

- (a) Economic and Market Update
- (b) FLSAFE LGIP Portfolio Update
- (c) Operations Manager Report
- (d) Board Ratification of Term Series (if any)
- (e) Marketing Update
- (f) PMA Comments

2. Administrator Update - FMAS

- (a) Presentations, Conferences, FIIP Update, General Comments
- (b) FMAS Comments

C. OTHER ITEMS

1. FLSAFE Counsel’s Comments
2. Participant’s Comments
3. Advisory Council Member Comments
4. Board Member’s Comments

D. SET NEXT MEETING DATE/ ADJOURNMENT

1. Future meeting dates: July 27, 2023; October 26, 2023

A copy of the agenda may be obtained by contacting: Jeff Larson, FLSAFE Administrator at (407) 496-1597, jlarson@floridamanagementservices.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 24 hours before the workshop/meeting by contacting: Jeff Larson, FLSAFE Administrator at (407) 496-1597, jlarson@floridamanagementservices.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: Jeff Larson, FLSAFE Administrator at (407) 496-1597, jlarson@floridamanagementservices.com

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 Joe Levrault, Esq., on behalf of City of Deland, Florida, filed on April 11, 2023. The petition seeks the agency’s opinion as to the applicability of Section 489.103(7)(a), Florida Statutes as it applies to the petitioner.

Petitioner seeks the determination from the Board regarding the question: “Does controlling State law, Section 489.103(7)(a), Florida Statutes, allow an owner-builder, who does not possess a pool contractor’s license, to obtain a permit to build an in-ground swimming pool on the same lot where such owner-builder resides?” 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: Amanda Ackermann, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Amanda.Ackermann@myfloridalicense.com.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

Notice of Receipt of Unsolicited Proposal to Transition Operations & Management of SJC Cultural Events Division to a Separate Entity

NOTICE IS HEREBY GIVEN that St. Johns County, a political subdivision of the State of Florida, has received an unsolicited proposal for a qualifying public-private partnership project in accordance with Florida Statute § 255.065 for the operations and management of Cultural Events for St. Johns County. St. Johns County is soliciting Proposals from qualified, interested firms for the same project, which must be submitted to the SJC Purchasing Division, no later than 4:00PM EST, on Friday, May 19, 2023.

The County’s solicitation documents, which are posted to DemandStar (www.demandstar.com) provide the instructions and requirements for submitting a Proposal, as well as parameters for the County’s evaluation of submitted Proposals, including the unsolicited Proposal.

Designated Point of Contact: Upon advertisement of the solicitation, the County’s anti-lobbying blackout period shall take effect, prohibiting any and all communications between interested Respondents and any County employee other than the Designated Point of Contact provided in the solicitation. Any such communications shall disqualify a Respondent from any further consideration by the County.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State

Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, April 14, 2023 and 3:00 p.m., Thursday, April 20, 2023.

Rule No.	File Date	Effective Date
1B-2.011	4/14/2023	5/4/2023
6AER23-01	4/19/2023	4/19/2023
64B6-6.002	4/17/2023	5/7/2023
64B6-6.008	4/17/2023	5/7/2023
64B6-6.009	4/17/2023	5/7/2023
64B6-6.010	4/17/2023	5/7/2023
64B6-7.002	4/17/2023	5/7/2023
64B6-7.004	4/17/2023	5/7/2023
690-137.009	4/14/2023	5/4/2023

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
40C-4.091	3/31/2023	**/**/****
40C-41.043	3/31/2023	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-6.001	5/10/2022	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****
69L-7.020	10/22/2021	**/**/****
69L-7.730	4/6/2023	**/**/****
69L-7.740	4/6/2023	**/**/****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles
Establishment of Southern Golf Cars, Inc., line-make Gari
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 Garia Inc., intends to allow the establishment of Southern Golf Cars, Inc., as a dealership for the sale of low-speed vehicles manufactured by Garia A/s (line-make GARI) at 501 North Federal Highway, Boynton Beach, (Palm Beach County), Florida 33435, on or after May 21, 2023.

The name and address of the dealer operator(s) and principal investor(s) of Southern Golf Cars, Inc. are dealer operator(s): Don Beard, 501 North Federal Highway, Boynton Beach, Florida 33435; principal investor(s): Peter Weiner, 501 North Federal Highway, Boynton Beach, Florida 33435, Jill Weiner, 501 North Federal Highway, Boynton Beach, Florida 33435. 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: Sondra L. Howard, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mark Wagner, Garia Inc, 14820 North Freeway Suite 200, Houston, Texas 77090.

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.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles
Establishment of Suncoast EV, LLC, line-make ROYV
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 Royal Electric Vehicles, LLC, intends to allow the establishment of Suncoast EV, LLC, as a dealership for the sale of low-speed vehicles manufactured by Royal Electric Vehicles, LLC (line-make ROYV) at 4539 Bartelt Road, Holiday, (Pasco County), Florida 34690, on or after May 21, 2023.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast EV, LLC are dealer operator(s): Ronald D. Helms, 4539 Bartelt Road, Holiday, Florida 34690; principal investor(s): Ronald D. Helms, 4539 Bartelt Road, Holiday, Florida 34690.

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: Sondra L. Howard, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jason Torchia, Royal Electric Vehicles, LLC, 632 Richardson Road Southeast, Calhoun, Georgia 30701.

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.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

Hazard Mitigation Grant Program Application Extension

The application deadline has been extended for the Hazard Mitigation Grant Program (HMGP) for Hurricane Ian (FEMA 4673-DR-FL). The application period will now close August 29, 2023. Applications submitted through the FDEM Portal must be submitted no later than 11:59 p.m. EDT on August 29, 2023. Requests for account creations for the FDEM Portal must be made by 5:00 p.m. EDT on August 29, 2023. Applications mailed to the Division must be postmarked on or before August 29, 2023. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. EDT on August 29, 2023. The Division encourages potential applicants to submit complete applications before the close of the original application period May 31, 2023, but they will be accepted through August 29, 2023. All other application submission criteria in the Notice of Funding Availability for this funding period remains the same. Please refer to the website <https://www.floridadisaster.org/hmgrp> for more details on the HMGP program.

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.
