

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

FISH AND WILDLIFE CONSERVATION
COMMISSION

Freshwater Fish and Wildlife

- RULE NOS.: RULE TITLES:
68A-12.002 General Methods of Taking Game and
Crows; Prohibitions
68A-12.007 Hunting Dogs; Molesting Game in Closed
Season; Training; Field Trials; Prohibited
for Certain Hunting

PURPOSE AND EFFECT: The purpose and effect of the
proposed rule development is to establish or revise rule
provisions associated with general methods of taking game and
crows, and the use of dogs for taking game.

SUBJECT AREA TO BE ADDRESSED: Subject areas
covered in the proposed rule include general methods of taking
game and crows, and the use of dogs for taking game.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida
Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution
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: Brandy
Elliott, Assistant General Counsel, Fish and Wildlife
Conservation Commission, 620 South Meridian Street,
Tallahassee, Florida 32399-1600, (850)487-1764.

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

FISH AND WILDLIFE CONSERVATION
COMMISSION

Freshwater Fish and Wildlife

- RULE NOS.: RULE TITLES:
68A-15.006 Regulations Relating to Miscellaneous
Areas
68A-15.061 Specific Regulations for Wildlife
Management Areas - Southwest Region
68A-15.062 Specific Regulations for Wildlife
Management Areas - North Central Region
68A-15.063 Specific Regulations for Wildlife
Management Areas - Northwest Region
68A-15.064 Specific Regulations for Wildlife
Management Areas - South Region
68A-15.065 Specific Regulations for Wildlife
Management Areas - Northeast Region

PURPOSE AND EFFECT: The purpose and effect of this rule
development effort is to: (1) establish or revise specific
regulations related to Miscellaneous Areas (MAs); (2) establish
or modify specific area regulations for Wildlife Management
Areas (WMAs) and MAs; and (3) adjust hunting season dates
on WMAs and MAs to conform with proposed 2020-2021
hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas
covered in the proposed rules include hunting season dates and
specific area regulations pertaining to WMAs and MAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida
Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution
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: Brandy Elliott, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-17.005      RULE TITLE: Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or modify specific area regulations for Wildlife and Environmental Areas (WEAs), and adjust hunting season dates on WEAs to conform with proposed 2020-2021 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates and specific area regulations pertaining to WEAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution ; Sections 375.313, 379.2223, Florida Statutes.

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: Brandy Elliott, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-7.001	Application of Rules to State and Federal Waters
68B-7.002	Definitions
68B-7.003	Park-Specific Size Limits; Transit of Undersize Fish
68B-7.004	Park-Specific Bag Limits
68B-7.008	Spatial Gear and Harvest Limitations

PURPOSE AND EFFECT: The purpose of this rule development notice is to address the possible creation of a new rule chapter for fisheries regulation within Biscayne National Park (BNP). The Commission is considering development of a series of BNP-specific regulations for a variety of species. The effect of the new rule chapter would be to establish harvest regulations that would further conserve targeted fish populations within the national park.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include creation of conservation measures such as bag and size limits for species commonly targeted with BNP and spatial gear and harvest limitations intended to reduce user conflicts and conserve specific coral stands within BNP boundaries.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 1875 Orange Avenue East, Tallahassee, FL, 32311, (850)487-0554

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

- RULE NOS.:      RULE TITLES:  
 68B-14.001      Purpose and Intent, Designation as Restricted Species  
 68B-14.002      Definitions  
 68B-14.0036     Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption  
 68B-14.0038     Recreational Snapper Seasons  
 68B-14.006      Other Prohibitions and Exception

**PURPOSE AND EFFECT:** The National Marine Fisheries Service recently approved action that would delegate authority to each of the Gulf states to manage harvest of red snapper by private recreational anglers in federal waters off their state. The Commission will consider several rule changes to 68B-14 that will extend Florida’s recreational red snapper bag limit, size limit and season into Gulf federal waters for private recreational anglers. The Commission will also consider rule changes to allow federally-permitted for-hire vessels to possess red snapper in Gulf state waters while the federal for-hire season is open, but state waters are closed.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas addressed in the rule development notice include references to rule modifications that would allow FWC to manage harvest of red snapper by private recreational anglers in Gulf federal waters, and create an allowance for federally-permitted for-hire vessels to possess red snapper in Gulf state waters while the federal for-hire season is open, but state waters are closed.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

**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:** Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 1875 Orange Avenue East, Tallahassee, FL, 32311, (850)487-0554

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

- RULE NO.:      RULE TITLE:  
 68B-14.0035     Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper

**PURPOSE AND EFFECT:** The purpose of this rule development notice is to provide reference to possible minimum size limits modifications for several reef fish species when harvesting from within Biscayne National Park (BNP). The Commission is considering development of a series of BNP-specific size limits for several reef fish species. The potential changes to Rule 68B-14.0035, F.A.C. coincide with planned creation of a new rule chapter (68B-7, F.A.C.) for BNP that would establish these regulatory changes. The effect of this rule amendment would be reference new size limits established in Rule Chapter 68B-7, F.A.C., and thus further conserve targeted fish populations within BNP.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas addressed in the rule development notice include references to modified minimum size limits established in Rule Chapter 68B-7, F.A.C., for reef fish species commonly targeted with BNP.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

**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:** Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 1875 Orange Avenue East, Tallahassee, FL, 32311, (850)487-0554

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

- RULE NO.:      RULE TITLE:  
 68B-24.0067     Special Provisions for Biscayne National Park: Closure of Coral Reef Protection Areas

**PURPOSE AND EFFECT:** The purpose of this rule development notice is to address possible creation of a rule referencing spatial harvest closures for lobster species within Biscayne National Park (BNP). The Commission is considering development of a series of Coral Reef Protection Areas within BNP, where trap use and lobster harvest would be prohibited in order to prevent damage to selected coral stands. The effect of the new rule chapter would be to reference new spatial closures to the harvest of lobster established in Rule Chapter 68B-7, F.A.C., that would further conserve select coral stands within BNP.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas addressed in the rule development notice include reference to spatial limitations within Biscayne National Park on trap use and lobster harvest established in Rule Chapter 68B-7, F.A.C.  
**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.  
**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:** Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 1875 Orange Avenue East, Tallahassee, FL, 32311, (850)487-0554

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

**RULE NO.:** 68B-31.0035 **RULE TITLE:** Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions

**PURPOSE AND EFFECT:** The purpose of this rule development notice is to provide reference to possible no-trawl zones within Biscayne National Park (BNP). The Commission is considering development of no-trawl zones within BNP in order to conserve sensitive nursery habitat and reduce bycatch of non-target species. The effect of this rule amendment would be to provide clarity by referencing new no-trawls zones within BNP established in Rule Chapter 68B-7, F.A.C., and thus conserve sensitive marine fisheries nursery habitats.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas addressed in the rule development notice include references to

no-trawl zones that could be established in Rule Chapter 68B-7, F.A.C. for areas within Biscayne National Park.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.  
**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:** Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 1875 Orange Avenue East, Tallahassee, FL, 32311, (850)487-0554

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

**Section II  
Proposed Rules**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE NOS.:** 12A-1.060  
**RULE TITLES:** Registration  
 12A-1.097 Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the amendments to Rule 12A-1.060, F.A.C., is to incorporate references to new or updated forms used in the registration process. These forms simplify the initial registration process and allow for a streamlined application for subsequent registrations of additional business locations.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., is to adopt, by reference, changes to forms currently used by the public to register as a business with the Department, as well as to adopt new forms related to this process.

**SUMMARY:** The proposed amendments incorporate revisions to sales tax rules and forms related to the registration process.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person 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.

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: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., (2)(d), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7), FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.0596(1), (2), 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (5), (6), (9), (13), 212.13, 212.14(4), (5), 212.16(1), (2), 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 288.1258, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), FS.

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

DATE AND TIME: January 15, 2020, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. 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: Danielle Boudreaux, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.060 Registration.

(1) Persons required to register as dealers.

(a) Every person desiring to engage in or conduct any one of the following businesses in this state as a “dealer” must register with the Department of Revenue and obtain a separate certificate of registration for each place of business:

1. through 3. No change.

4. Sales of electrical electric power or energy subject to tax under Section 212.05(1)(e), F.S.;

5. through 7. No change.

8. Operation of ~~coin-operated~~ vending machines subject to tax under Section 212.0515, F.S.;

9. through 18. No change.

(b) through (d) No change.

(2) How to register as a dealer.

(a) Registration with the Department for the purposes of sales and use tax is available by using one of the following methods:

1. Registering through the Department’s website [www.floridarevenue.com](http://www.floridarevenue.com) using the Department’s eServices. ~~“e-Services,” or~~

2. Filing a Florida Business Tax Application (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department, as indicated on the registration form.

(b) A separate application is required for each place of business. If a business previously submitted Form DR-1 to the Department and holds an active certificate of registration or reemployment tax account, the business may use an Application for Registered Businesses to Add a New Florida Location (Form DR-1A, incorporated by reference in Rule 12A-1.097, F.A.C.) in the following circumstances:

1. To register an additional business location or Florida rental property, or

2. To update a registered location that has moved from one Florida county to another.

(c) No change.

(3) Registration of transient accommodations.

(a) For purpose of this rule, a “transient accommodation” shall have the same meaning as that term is defined in paragraph (3)(f) ~~(2)(f)~~ of Rule 12A-1.061, F.A.C.

(b) through (d) No change.

(e)1. To collectively register transient accommodations that are located in a single county, the agent, representative, or management company holding a dealer’s certificate of registration may file an Application for Collective Registration for Rental of Living or Sleeping Accommodations (Form DR-1C, incorporated by reference in Rule 12A-1.097, F.A.C.). A separate Form DR-1C is required for each county.

2. through 3. No change.

4. In lieu of completing all required information on Form DR-1C for each unregistered property or time-share unit, all information required for each property or time-share unit may be submitted to the Department in a schedule attached to the completed “Agent/Representative/Management Company Sales and Use Tax Registration Information” “Agent’s Sales Tax Registration Information” section of Form DR-1C.

5. through 6. No change.

(4) Registration of exhibitors.

(a) For purposes of this rule, the following definitions are provided:

1. through 3. No change.

4. A “retail sale” is as defined in Section 212.02(14) 212.02(15), F.S.

(b) through (c) No change.

(5) Cash deposits, surety bonds, or letters of credit. The Department will utilize the criteria in this subsection when it requires a cash deposit, surety bond, or irrevocable letter of credit as a condition to any person obtaining or retaining a dealer’s certificate of registration. Nothing in this subsection prohibits the Department from pursuing any other authorized means to collect a tax or fee liability. Nothing in this subsection requires the Department to permit the posting of a cash deposit, surety bond, or irrevocable letter of credit instead of revoking or refusing to issue a dealer’s certificate of registration. This subsection does not apply to a person currently in compliance with a written agreement with the Department regarding its tax or fee liabilities and obligations.

(a) through (c) No change.

(d) Procedural Issues Regarding the Security Requirement.

1. through 4. No change.

5. Any person posting security in the form of a cash deposit must complete a Certificate of Cash Deposit or Cash Bond Form DR-17A, Certificate of Cash Deposit/Cash Bond (Form DR-17A, incorporated by reference in Rule 12A-1.097, F.A.C.). Suggested formats for the irrevocable letter of credit and the surety bond are available on the Department’s website www.floridarevenue.com.

6. through 9. No change.

(e) through (g) No change.

Rulemaking Authority 212.12(2)(d), ~~212.17(6)~~, 212.18(2), 213.06(1) FS. Law Implemented 119.071(5), 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(5), (6), 212.14(4), 212.16(1), (2),

212.18(3) FS. History–New 10-7-68, Amended 1-7-70, 6-16-72, 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), 8-1-02, 4-17-03, 6-12-03, 6-4-08, 9-1-09, 6-14-10, 6-28-10 (6), 6-28-10 (3), 7-28-15, 1-17-18,\_\_\_\_\_.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
(2)(a) DR-1	Florida Business Tax Application ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-__09251">http://www.flrules.org/Gateway/reference.asp?No=Ref-__09251</a> )	<del>XX/X</del> X 04/18
(b) DR-1N	<del>Registering Your Business Instructions for Completing the Florida Business Tax Application (Form DR-1) (R. 1/18)</del> ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-__09252">http://www.flrules.org/Gateway/reference.asp?No=Ref-__09252</a> )	<del>XX/X</del> X 04/18
(c) No change		
(d) DR-1A	Application for Registered Businesses to Add a New Florida Location ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-__">http://www.flrules.org/Gateway/reference.asp?No=Ref-__</a> )	<del>XX/X</del> X
(e) DR-1C	Application for Collective Registration of Living or Sleeping Accommodations ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-__">http://www.flrules.org/Gateway/reference.asp?No=Ref-__</a> )	<del>XX/X</del> X
(f) DR-1CCN	Application for Sales and Use Tax County Control Reporting Number ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-__">http://www.flrules.org/Gateway/reference.asp?No=Ref-__</a> )	<del>XX/X</del> X
(3) through (24)	No change.	

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., ~~212.17(6)~~, 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(2), (4), (5), ~~212.17~~, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 213.755, 215.26(6), 219.07, 288.1258, 290.00677, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09,

11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, 1-11-16, 4-5-16, 1-10-17, 2-9-17, 1-17-18, 4-16-18, 1-8-19, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Tammy Miller  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 03, 2019  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2019

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: RULE TITLE:

12B-4.001 Payment of Tax

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12B-4.001, F.A.C., is to incorporate references to a new form used to register additional business locations.

SUMMARY: The proposed amendments provide improvements to the registration process for documentary stamp tax.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and

2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person 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.

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: 201.11(1), 213.06(1), FS.

LAW IMPLEMENTED: 116.01, 201.01, 201.08, 201.09, 201.11, 201.12, 201.13, 201.132, 201.133, 201.14, 213.756, 219.07, FS.

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

DATE AND TIME: January 15, 2020, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida. If a meeting is requested in writing, members of the public can also attend electronically via webinar; registration information will be posted to the Department’s website at <http://floridarevenue.com/publicmeetings>.

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: Tonya Fulford at (850)717-6799. 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: Danielle Boudreaux, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7082, email [RuleComments@floridarevenue.com](mailto:RuleComments@floridarevenue.com).

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12B-4.001 Payment of Tax.

- (1) No change.
- (2) Registered Persons – Unrecorded Documents.
  - (a) No change.

(b) A separate registration application is required for each location where taxable documents that are not recorded with the Clerk of the Court are maintained. If a registered person previously submitted Form DR-1, Florida Business Tax Application (incorporated by reference in Rule 12A-1.097, F.A.C.) to the Department and holds an active certificate of registration or reemployment tax account, the registered person may use an Application for Registered Businesses to Add a New Florida Location (Form DR-1A, incorporated by reference in Rule 12A-1.097, F.A.C.) in the following circumstances:

- 1. To register an additional location.
- 2. To update a registered location that has moved from one Florida county to another.

(c) Registration with the Department for the purposes of the documentary stamp tax is available by using one of the following methods:

1. Registering through the Department’s website at [www.floridarevenue.com](http://www.floridarevenue.com) using the Department’s eServices. “e-Services.”

2. Filing Form DR-1, Florida Business Tax Application an Application to Collect and/or Report Tax in Florida (form DR-1, (incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the registration application.

- (d) through (g) No change.
- (3) Unregistered Persons.
- (a) No change.

(b) Any person who is not required to register and has not elected to register is required to file a Documentary Stamp Tax Return For Nonregistered Taxpayers’ Unrecorded Documents (Form ~~form~~ DR-228, incorporated by reference in Rule 12B-4.003, F.A.C.) and remit tax due.

- (4) through (5) No change.

Rulemaking Authority 201.11(1), 213.06(1) FS. Law Implemented 116.01, 201.01, 201.08, 201.09, 201.11, 201.12, 201.13, 201.132, 201.133, 201.14, 213.756, 219.07 FS. History—New 8-18-73, Formerly 12A-4.01, Amended 2-21-77, 12-3-81, Formerly 12B-4.01, Amended 12-5-89, 2-16-93, 12-30-97, 5-4-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tammy Miller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 03, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2019

**DEPARTMENT OF REVENUE**

RULE NOS.:	RULE TITLES:
12B-5.050	Terminal Suppliers.
12B-5.070	Terminal Operators.
12B-5.121	Temporary Licenses Issued Under a Declared Emergency.
12B-5.150	Public Use Forms.

PURPOSE AND EFFECT: The proposed amendments to Rules 12B-5.050 (Terminal Suppliers), 12B-5.070 (Terminal Operators), and 12B-5.150 (Public Use Forms), F.A.C., will require terminal suppliers and terminal operators to use extensible markup language (XML) for reporting fuel taxes to the Department, removing the ability for filing returns using electronic data interchange (EDI). The proposed amendments to Rule 12B-5.121 (Temporary Licenses Issued Under a Declared Emergency), F.A.C., provide that applications for temporary Florida fuel licenses or license extensions may also be faxed or emailed to the Department.

SUMMARY: The proposed amendments to the rules and forms remove references to filing electronic returns via EDI, as well as updating submission information for temporary fuel licenses.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and

2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person 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: 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8), FS.

LAW IMPLEMENTED: 119.071(5), 206.01, 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.051(4), 206.43(1), 206.055, 206.06, 206.62, 206.095, 206.11, 206.404, 206.41, 206.416, 206.43, 206.44, 206.485, 206.52, 206.62, 206.63, 206.86, 206.872, 206.873, 206.874, 206.8745, 206.90, 206.91, 206.92, 206.97, 206.9815, 206.9825(1)(a), 206.9835, 206.9865, 206.9931, 206.9941, 206.9942, 206.9943, 212.0501, 213.255, 213.755, FS.

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

DATE AND TIME: January 15, 2020, 10:00 a.m.  
PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida. If a meeting is requested in writing, members of the public can also attend electronically via webinar; registration information will be posted to the Department’s website at <http://floridarevenue.com/publicmeetings>.

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: Tonya Fulford at (850)717-6799. 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: Danielle Boudreaux, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.050 Terminal Suppliers.

- (1) No change.
- (2) Licensing and Bonding.
  - (a) Licensing.
    - 1. No change.

2. To obtain an annual license as a terminal supplier, every person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.) with the required attachments, with the Department, as provided in the application, and enroll in the Department’s eServices ~~e-Services~~ Program.

3. To enroll in the eServices ~~e-Services~~ Program to make payments and submit returns electronically to the Department, the terminal supplier must do one of the following:

a. Complete enrollment on the Department’s website at www.floridarevenue.com, ~~or~~

b. Complete Form DR-600, Enrollment and Authorization for eServices ~~e-Services~~ Program (incorporated by reference in Rule 12-24.011, F.A.C.), as provided in Rule 12-24.004, F.A.C., and return it to the Department, if the terminal supplier is unable to use the Department’s website to enroll, ~~;~~

- 4. through 8. No change.
- (b) No change.
- (3) through (4) No change.
- (5) Returns and Payments.

(a) Returns. All terminal suppliers that sell gasoline, gasohol, diesel, or aviation fuel are required to report all taxes imposed by Chapter 206, F.S., on a Terminal Supplier Fuel Tax Return (Form DR-309631, incorporated by reference in Rule 12B-5.150, F.A.C.)–, electronically with the Department, as provided in Rule Chapter 12-24, F.A.C. The electronic return must be submitted ~~by electronic data interchange, as provided in the Florida Department of Revenue Motor and Other Fuel Taxes EDI Technical Implementation Guide (Form DR-309650, incorporated by reference in Rule 12B-5.150, F.A.C.), or~~ by Extensible Markup Language (XML), as provided in the Motor and Other Fuel Taxes XML User Guide for e-file Developers and Transmitters (Form DR-309652, incorporated by reference in Rule 12B-5.150, F.A.C.). The electronic return must be filed on or before the 20th day of each month for transactions occurring during the previous month. To be timely,

the electronic return must be received by the Department or its agent before 5:00 p.m. (Eastern Time), on or before the 20th day of each month. For terminal suppliers who are authorized to submit Form DR-309631 by hard copy, the return will be accepted as timely if postmarked or delivered to the Department on or before the 20th day of each month. If the 20th day falls on a Saturday, Sunday, or legal holiday, returns will be accepted as timely if an electronic return is received by the Department or its agent on or before 5:00 p.m. (Eastern Time), or a hard-copy return, when permitted, is postmarked or delivered to the Department on the next succeeding day that is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday means a holiday which is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

- (b) through (c) No change.
- (6) No change.

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.87(1)(e)2., 213.06(1), 213.755(8) FS. Law Implemented 206.01, 206.02, 206.05, 206.41, 206.413, 206.414, 206.43, 206.48, 206.485, 206.62, 206.63, 206.86, 206.87, 206.872, 206.873, 206.874, 206.8745, 206.90, 206.91, 206.97, 206.9815, 206.9941, 206.9942, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-25-12, 7-28-15, 1-17-18, \_\_\_\_\_.

12B-5.070 Terminal Operators.

- (1) Licensing.
  - (a) No change.

(b)1. To obtain an annual license as a terminal operator, a person must file a Florida Fuel Tax Application (Form DR-156, incorporated by reference in Rule 12B-5.150, F.A.C.), with the required attachments, with the Department, as provided in the application, and enroll in the Department’s eServices ~~e-Services~~ Program.

2. To enroll in the eServices ~~e-Services~~ Program to submit returns electronically to the Department, the terminal operator must do one of the following:

a. Complete enrollment on the Department’s website at www.floridarevenue.com, ~~or~~

b. Complete Form DR-600, Enrollment and Authorization for eServices ~~e-Services~~ Program (incorporated by reference in Rule 12-24.011, F.A.C.), as provided in Rule 12-24.004, F.A.C., and return it to the Department, if the terminal operator is unable to use the Department’s website to enroll.

- 3. through 4. No change.
- (c) No change.
- (2) Information Returns.

All terminal operators who operate terminals in this state are required to file a Terminal Operator Information Return (Form DR-309636, incorporated by reference in Rule 12B-5.150, F.A.C.), electronically with the Department, as provided in Rule Chapter 12-24, F.A.C. The electronic return must be submitted ~~by electronic data interchange, as provided in the Florida Department of Revenue Motor and Other Fuel Taxes EDI Technical Implementation Guide (Form DR 309650, incorporated by reference in Rule 12B-5.150, F.A.C.), or by Extensible Markup Language (XML), as provided in the Motor and Other Fuel Taxes XML User Guide for e-file Developers and Transmitters (Form DR-309652, incorporated by reference in Rule 12B-5.150, F.A.C.).~~ The electronic return must be filed on or before the 20th day of each month for transactions occurring during the previous month. A separate return is required for each terminal location. To be timely, the electronic return must be received by the Department or its agent before 5:00 p.m. (Eastern Time), on or before the 20th day of each month. For terminal operators who are authorized to submit Form DR-309636 by hard copy, the return will be accepted as timely if postmarked or delivered to the Department on or before the 20th day of each month. If the 20th day falls on a Saturday, Sunday, or legal holiday, returns will be accepted as timely if an electronic return is received by the Department or its agent on or before 5:00 p.m. (Eastern Time), or a hard-copy return, when permitted, is postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For the purpose of this rule, a legal holiday will mean a holiday that is observed by federal or state agencies as this term is defined in Chapter 683, F.S., and s. 7503 of the Internal Revenue Code of 1986, as amended. A “legal holiday” pursuant to s. 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district. Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 206.97, 213.06(1), 213.755(8) FS. Law Implemented 206.01(19), 206.022, 206.095, 206.485, 206.872, 213.755 FS. History—New 7-1-96, Amended 11-21-96, 5-1-06, 6-1-09, 1-25-12, 7-28-15, 1-17-18, \_\_\_\_\_.

12B-5.121 Temporary Licenses Issued Under a Declared Emergency.

- (1) No change.
- (2) Licensing.
  - (a) No change.

(b) To obtain the temporary Florida fuel license, the person engaging temporarily in business as an importer, exporter, or carrier must file a Florida Temporary Fuel Tax License Application (Form DR-156T, incorporated by reference in Rule 12B-5.150, F.A.C.) with the Department, as provided in the application. A copy of the completed Form DR-156T is to be

scanned and emailed or faxed to the phone number indicated in the application, and the original application is to be mailed to the address indicated in the application. Form DR-156T may be obtained, without cost, from the Department’s website at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms) or by calling the Department at (850)488-6800. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

- (c) through (d) No change
- (e) Duration of Temporary Fuel Licenses.
  - 1. through 2. No change.

3. To obtain an extension of the expiration date of the license, the license holder must scan and email, fax, or mail a written request for a one-month extension of the expiration date of the license to the Department. The written request must be scanned and emailed, faxed, or postmarked on or before the expiration date of the current temporary license to:

Account Management – Fuel Unit  
 Florida Department of Revenue  
 P.O. Box 6480  
 Tallahassee FL 32314-6480.  
 Fax Number: (850) ~~245-5867~~ 922-5938  
 Email: motor\_fuel@floridarevenue.com

- 4. through 5. No change.
- (3) through (7) No change.

Rulemaking Authority 206.14(1), 206.59(1) FS. Law Implemented 206.02(8), 206.021(5), 206.051(4), 206.052, 206.41(1), 206.43(1), 206.62, 206.87(1), 206.8745, 206.91, 206.9825(1)(a), 213.255(2), (3), 215.26(2) FS. History—New 6-1-09, Amended 1-25-12, \_\_\_\_\_.

12B-5.150 Public Use Forms.

- (1) No change.

	Form Number	Title	Effective Date
(2) through (18)	No change.		
(19)	DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-____09851">http://www.flrules.org/Gateway/reference.asp?No=Ref-____09851</a> )	<del>XX/X</del> <u>X</u> 09/18
(20) through (28)	No change.		
(29)	DR-309636N	Instructions for Filing Terminal Operator Information Return ( <del>R-01/15</del> ) ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-____04869">http://www.flrules.org/Gateway/reference.asp?No=Ref-____04869</a> )	<del>XX/X</del> <u>X</u> 01/15

(30) through (36)	No change.		
(37)	<del>DR-30965</del>	<del>Motor and Other Fuel Taxes EDI</del> Technical Implementation Guide ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-09852">http://www.flrules.org/Gateway/reference.asp?No=Ref-09852</a> )	09/18
(38) renumbered (37)	No change.		

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8) FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.06, 206.095, 206.11, 206.404, 206.41, 206.416, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9942, 206.9943, 212.0501, 213.255, 213.755 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10, 7-28-10, 1-12-11, 7-20-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, 7-28-15, 1-11-16, 1-10-17, 1-17-18, 9-17-18, 1-8-19, 7-8-19,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Tammy Miller

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:**

Governor and Cabinet

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:**

December 3, 2019

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:**

October 31, 2019

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

**RULE NOS.: RULE TITLES:**

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

12E-1.028 Garnishment by Levy

12E-1.029 Financial Institution Data Matches

**PURPOSE AND EFFECT:** The proposed amendments to Rules 12E-1.023, 12E-1.028, and 12E-1.029, F.A.C., incorporate administrative changes to forms used in enforcing child support obligations.

**SUMMARY:** The proposed amendments to Rule 12E-1.023, F.A.C., Suspension of Driver License; Suspension of Motor Vehicle Registration, incorporate statutory changes to form CS-EF55 required by Chapter 2019-167, L.O.F.

The proposed amendments to Rule 12E-1.028, F.A.C., Garnishment by Levy, incorporate forms CS-EF122, CS-EF123, CS-EF124, CS-EF125, CS-EF127, CS-EF128, CS-EF129, CS-EF130, CS-EF131, CS-EF132, CS-EF146, CS-EF280, CS-EF287, and TSP-CS-1 used to levy against the personal property of obligors who owe past-due support.

The proposed amendment to Rule 12E-1.029, F.A.C., Financial Institution Data Matches, incorporates changes to the revised Multistate Financial Institution Data Match Specifications Handbook and form CS-EF133 used for entering into agreements with financial institutions.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person 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:** 409.2557(3)(i), 409.25656(11), 409.25657(6), FS.

**LAW IMPLEMENTED:** 61.13016, 322.058, 409.25656, 409.25657, FS.

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

**DATE AND TIME:** January 7, 2020, 1:00 p.m.

**PLACE:** 2450 Shumard Oak Boulevard, Building Two, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bobby York at (850)617-8037. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Bobby York, Government Analyst II, Child Support Program, Department of Revenue, P.O. Box

8030, Mail Stop 2-4464, Tallahassee, Florida 32314-8030,  
Telephone: (850) 617-8037

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Introduction. The purpose of driver license suspension is to obtain compliance with a support order, subpoena, order to appear, order to show cause, order to appear for genetic testing, or similar order.

(2)(1) Definition. For purposes of this rule “delinquency” means the total amount of support that has come due and is unpaid pursuant to the payment schedule set forth in the support order.

(3)(2) Suspension Criteria.

(a) No change.

(b) The Department shall initiate a proceeding to suspend the driver license and the registration of all motor vehicles solely owned by the obligor for non-payment of support in an obligor’s case if the criteria in subparagraph (3)(2)(a)1., and the following criteria are met, unless any of the factors listed in paragraph (3)(2)(c), are present:

1. through 2. No change.

(c) No change.

(4)(3) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration.

(a) In accordance with Section 61.13016(1), F.S., the Department shall send to the obligor by regular mail a Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s), Form CS-EF55, incorporated herein by reference, effective xx/xx09/19/2017, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08620>), Notice shall be mailed to the obligor’s address of record with the Department of Highway Safety and Motor Vehicles.

(b) In addition to the notice required by paragraph (4)(3)(a), if the Department has information that using another address is more likely to result in actual notice to the obligor, the Department shall mail the notice to the obligor at that address.

(c) No change.

(5)(4) Termination of Driver License Suspension Process; Termination of Motor Vehicle Registration Suspension Process. After the Department has provided notice to the obligor of its intent to suspend the obligor’s driver license and motor vehicle registration(s), but before the Department has notified the Department of Highway Safety and Motor Vehicles to suspend, the Department shall terminate a pending suspension action if the obligor satisfies any of the conditions

in Section 61.13016(3), F.S. The Department shall also terminate a pending suspension action as follows:

(a) and (b) No change.

(6)(5) Written Agreements for Payment of Past-Due Support.

(a) No change.

(b) If the obligor defaults on a payment required by the written agreement, the Department shall, without further notice to the obligor, notify the Department of Highway Safety and Motor Vehicles to suspend the obligor’s license and registration(s), as provided by the terms of the written agreement, unless one of the circumstances listed in paragraph (5)(4)(a), exists.

(7)(6) Reinstatement of the Driver License; Reinstatement of Motor Vehicle Registration.

(a) The Department shall notify the Department of Highway Safety and Motor Vehicles to reinstate an obligor’s driver license and motor vehicle registration(s) in a case as follows:

1.(a) If the suspension action in a case is initiated due to non-payment of support, the Department shall notify the Department of Highway Safety and Motor Vehicles to reinstate the obligor’s driver license and motor vehicle registration(s) when:

a1. The Department closes the case,

b2. An income deduction payment is received,

c3. The obligor pays the delinquency in full,

d4. The obligor enters into a written agreement with the Department,

e5. The obligor demonstrates that he or she receives reemployment assistance,

f6. The obligor demonstrates that he or she is disabled and incapable of self-support,

g7. The obligor receives Supplemental Security Income benefits,

h8. The obligor receives benefits under the federal Social Security Disability Insurance program,

i9. The obligor receives temporary cash assistance,

j10. The obligor is making payments in accordance with a confirmed bankruptcy plan under Chapter 11, 12, or 13 of the U.S. Bankruptcy Code,

k11. A court orders the reinstatement of the license and motor vehicle registration, or

l12. The Department requests the suspension in error.

2.(b) If the suspension action in a case was initiated due to a failure to comply with a subpoena, order to appear, order to show cause, order to appear for genetic testing, or similar order, the Department shall notify the Department of Highway Safety and Motor Vehicles to reinstate the obligor’s driver license and motor vehicle registration(s) when:

a1. The obligor complies with the subpoena or order,

b2. A court orders the reinstatement of the license and motor vehicle registration,

c3. The Department requests the suspension in error, or

d4. The Department closes the case.

(b) The Department will notify the Department of Highway Safety and Motor Vehicles to reinstate a driver license or motor vehicle registration(s) when, based on supporting documentation:

1. The obligor is unable to comply with a written agreement or pay the total delinquency;

2. The obligor is participating in a job training class;

3. The obligor shows evidence of employment;

4. The child(ren) are no longer in the obligee's household;

5. Child support payments are being made;

6. Earnings statements show deductions for child support;

7. The obligor has an existing support order the Department did not know about; or

8. The obligor documents a hardship claim.

(8)(7) Procedure for Reinstatement. When the Department notifies the Department of Highway Safety and Motor Vehicles to reinstate the driver license and motor vehicle registration, the Department shall also notify the obligor that the Department is no longer pursuing suspension action, and the obligor's driver license and motor vehicle registration(s) is eligible for reinstatement upon the obligor paying applicable fees owed to the Department of Highway Safety and Motor Vehicles. The Department uses Form CS-EF57, Driver License/Vehicle Registration Reinstatement Notice, to notify obligors their driver license and motor vehicle registration are eligible for reinstatement. Form CS-EF57, Driver License/Vehicle Registration Reinstatement Notice, (Effective 09/19/2017) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08621>), is hereby incorporated by reference in this rule.

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

Substantial rewording of Rule 12E-1.028 follows. See Florida Administrative Code for present text.

12E-1.028 Garnishment by Levy.

(1) Introduction. Section 409.25656, F.S., authorizes the Department to levy against the personal property of obligors who owe past-due support.

(2) Definitions. For purposes of this rule:

(a) "Account" includes demand deposits, time deposits, checking or negotiable withdrawal orders, money market funds, mutual funds and any other intangible property subject to garnishment under Florida law.

(b) "Current earnings" means earnings received by an obligor from any source:

1. Within 30-days preceding the date a Notice to Freeze is served on the custodian; and.

2. At any time during the period when a Notice to Freeze is in effect.

(c) "Custodian" means a person other than the obligor, including a business entity, who has control or possession of any personal property owned by, or owed to, an obligor.

(d) "Freeze" means a hold placed by a custodian on an obligor's personal property pursuant to a Notice to Freeze that prevents transfer or other disposition of the property from the time the notice is served on the custodian until the Notice to Freeze is released by the Department.

(e) "Levy action" means the garnishment procedure authorized by Section 409.25656, F.S., beginning with a Notice to Freeze issued by the Department, and ending with termination of the Notice to Freeze or the Department's allocation of property received from the custodian when the Department issues a Notice of Levy.

(f) "Personal property" includes assets, credits, wages or other personal property owned by an obligor, or debts owed to an obligor, which are in the possession or control of a custodian.

(g) "Thrift Savings Plan" or "TSP" means a retirement savings and investment plan for Federal employees and military service members established by the Federal Employees' Retirement System Act of 1986.

(3) Case Selection.

(a) The Department initiates a levy action when:

1. The amount of past-due or overdue support is greater than \$600 or greater than four times the total monthly support obligation, which includes current support and any payment on arrears;

2. Less than 75% of the total monthly support obligation was paid in the three-month period immediately preceding the Notice to Freeze;

3. The past-due or overdue support is owed under a Florida support order, or a support order issued by another state or foreign country and registered for enforcement in Florida; and

4. The support order is at least six months old.

(b) The Department does not initiate a levy action when:

1. The obligor receives temporary cash assistance, as defined by Section 414.0252(12), F.S.;

2. The obligor receives Federal Supplemental Security Income (SSI) benefits;

3. The obligor has filed for bankruptcy under Chapter 7, 11, 12 or 13 of the U.S. Bankruptcy Code;

4. Support payments have been paid by income withholding or reemployment assistance benefits (unemployment) within the past 31 days;

5. There is a pending levy action at the same financial institution;

6. A levy payment of more than \$100 has been received in the past six months; or

7. The obligor is in compliance with a written agreement entered into under Rule 12E-1.027, F.A.C.

(4) Notice to Freeze.

(a) After considering the factors and conditions in subsection (3), the Department sends a Notice to Freeze (CS-EF121) to the custodian of the obligor's personal property by certified mail, return receipt requested. The Notice to Freeze (CS-EF121) is incorporated herein by reference, effective xx/xx,

(http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_). If the account is a Thrift Savings Plan, the Department sends the custodian a Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1) and Thrift Savings Plan Cover Sheet (CS-EF287). The Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1) is incorporated herein by reference, effective xx/xx, (http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_). The Thrift Savings Plan Cover Sheet (CS-EF287) is incorporated herein by reference, effective xx/xx, (http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_).

(b) Upon receiving the Notice to Freeze, the custodian may not transfer or dispose of the obligor's personal property, up to the amount of past-due or overdue support stated in the notice, until the freeze is terminated.

(c) If the obligor contests the levy by requesting an administrative hearing in writing, or by filing a petition in circuit court within 21 days after receipt of the notice, the Department shall notify the custodian. The freeze remains in effect until final disposition and the custodian may not transfer or dispose of the property until further notice from the Department.

(d) When the obligor does not contest the levy, the freeze terminates at the earliest of the following:

1. 60 days after the custodian's receipt of the Notice to Freeze;

2. When the Department consents to a transfer or disposition of the property; or

3. When the custodian receives a Notice of Levy from the Department.

(5) Custodian's Response to Notice.

(a) The custodian must contact the Department within five days after receipt of the Notice to Freeze or Thrift Savings Plan Income Withholding Order For State Agencies and inform the Department of personal property in the custodian's possession or control, including the type of property, its value or approximate value, and its location. If the custodian does not contact the Department, the Department mails the custodian a Notice to Freeze Second Request for Information (CS-EF280).

The Notice to Freeze Second Request for Information (CS-EF280) is incorporated herein by reference, effective xx/xx, (http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_).

(6) Notice of Intent to Levy.

(a) The Department sends a Notice of Intent to Levy (CS-EF122) by certified mail, return receipt requested to the obligor providing notice of its intent to levy on the obligor's personal property. The Notice of Intent to Levy (CS-EF122) is incorporated herein by reference, effective xx/xx, (http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_).

(b) The Department may serve the obligor in person with a Notice of Intent to Levy. When the Department serves the notice in person, the Department completes the Affidavit of Service by Hand Delivery (CS-EF128), which constitutes proof of receipt of notice by the obligor. The Affidavit of Service by Hand Delivery (CS-EF128) is incorporated herein by reference, effective xx/xx, (http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_).

(7) Right to Hearing.

(a) The obligor and any joint owner may contest the intended levy within 21 days of receipt of the notice by requesting an administrative hearing in writing, or by filing a petition in circuit court.

(b) The obligor and any joint owner may request an informal conference with the Department to resolve disputed matters concerning the levy. Rights are not adjudicated at an informal conference and the right to contest the intended levy by requesting a formal or informal hearing is not affected by requesting or participating in an informal conference. A request for informal conference does not extend the 21 days allowed for contesting the intended levy. Mediation pursuant to Section 120.573, F.S., is not available as an alternative remedy.

(c) If the obligor requests an administrative hearing in writing, or files a petition in circuit court within 21 days after receipt of the notice, the Department sends the custodian an Extension of Freeze (CS-EF125) to extend the freeze until the contest is resolved. The Extension of Freeze (CS-EF125) is incorporated herein by reference, effective xx/xx, (http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_). If the levy action is for a Thrift Savings Plan account, the Department sends the custodian a Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1) to indicate a dispute is pending.

(d) The Department may not proceed in timely, contested levy actions involving amounts less than \$50.00. The Department sends a Release of Freeze/Levy (CS-EF129) by regular mail to notify the obligor the Department is withdrawing the levy action and releasing the freeze. The

Department issues a release to the financial institution or a refund to the parent. The Release of Freeze/Levy (CS-EF129) is incorporated herein by reference, effective xx/xx, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)).

(8) Release of Freeze.

(a) In the following circumstances, the Department releases a Notice to Freeze freeze, in full or in part, as appropriate:

1. All or part of the personal property belongs exclusively to a joint owner;

2. The Notice to Freeze was issued in error or the amount of past-due or overdue support is less than the amount stated in the Notice to Freeze;

3. All or part of the personal property constitutes current earnings exempt from levy in accordance with subsection (12) of this rule;

4. A writ of attachment, writ of garnishment, or writ of execution involving the same personal property is in effect when the Notice to Freeze becomes effective;

5. The obligor has filed bankruptcy under Chapter 7, 11, 12 or 13 of the U.S. Bankruptcy Code;

6. There is an interest in the personal property that is superior to the Department's interest; or

7. There is a final order that requires the Department to release the Notice to Freeze.

(b) If a levy on an account or securities is not appropriate, the Department sends the custodian a Full/Partial Release of Freeze (CS-EF124). The Full/Partial Release of Freeze (CS-EF124) is incorporated herein by reference, effective xx/xx, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)). If the levy action is for a Thrift Savings Plan account,

the Department sends the custodian a Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1) to vacate the action.

(c) If a partial levy is appropriate, the Department sends the custodian a Notice of Special Account(s) Release (CS-EF132). The Notice of Special Account(s) Release (CS-EF132) is incorporated herein by reference, effective xx/xx, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)).

If the levy action is for a Thrift Savings Plan account, the Department sends the custodian a Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1) to modify the action.

(9) Consent to Levy.

(a) In accordance with Section 409.25656(7)(d), F.S., if an obligor who receives a Notice of Intent to Levy consents to the levy in writing, the Department shall levy within the time permitted by paragraph (10)(a) of this rule.

(b) To consent to levy, the obligor or joint owner must complete a Consent to Levy (CS-EF130). The Consent to Levy (CS-EF130) is incorporated herein by reference, effective

xx/xx,

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)).

(c) If the obligor or a joint owner previously filed an action contesting the intended levy, the action to contest must be withdrawn or otherwise disposed of before the Department accepts the Consent to Levy.

(d) Upon receiving a signed and approved Consent to Levy, the Department shall levy on the property.

(10) Notice of Levy.

(a) Unless the obligor and each joint owner, if any, consents to a levy as provided in subsection (9), the Department may send a Notice of Levy (CS-EF123) to the custodian after the latest of the following time periods:

1. Thirty days after the date the custodian receives the Notice to Freeze;

2. Thirty days after the earlier of the date the Department mails or hand delivers the Notice of Intent to Levy to the obligor in accordance with subsection (7); or

3. If the intended levy is contested in accordance with Section 409.25656(8) and (9), F.S., the date of a final order authorizing the Department to proceed.

(b) If the custodian is holding securities, the Department sends the obligor a Notice of Levy on Securities (CS-EF131) by regular mail. The notice informs the obligor of a seven-day period during which the obligor may instruct the financial institution which securities to sell. The Notice of Levy on Securities (CS-EF131) is incorporated herein by reference, effective xx/xx,

([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)).

(b) The Department sends the custodian a Notice of Levy (CS-EF123) by certified mail, return receipt requested. The Notice of Levy (CS-EF123) is incorporated herein by reference, effective xx/xx, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)).

(c) The custodian is required to transfer the obligor's personal property to the Department, or pay the Department the amount owed to the obligor, up to the amount of past-due or overdue support stated in the notice, and provide with transmittal of any personal property or payment, the obligor's name, social security number and the control number referenced in the Notice of Levy.

(d) If the custodian does not pay the Department the amount due within 20 days after receipt of the Notice of Levy (CS-EF123), or within 60 days after receipt of the Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1), the Department mails the custodian a Request for Compliance with Notice of Levy (CS-EF146). The Request for Compliance with Notice of Levy (CS-EF146) is incorporated

herein by reference, effective xx/xx, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)).

(11) Limits on Levying Against Current Earnings.

(a) If the Department determines the freeze on an obligor's account in a financial institution includes the obligor's current earnings as defined in paragraph (2)(c), the Department may not levy from the current earnings an amount that is greater than the limits on garnishment for child support provided by the Consumer Credit Protection Act (CCPA), 15 U.S.C. 1673(b).

(b) Funds in an account that are not current earnings are not subject to the limits in paragraph (11)(a).

(c) An obligor who claims the Department has frozen exempt earnings must provide the Department with the following proof concerning the current earnings and the account:

1. The pay date or dates of the current earnings received by the obligor;

2. The gross amount of the current earnings;

3. The amount of mandatory deductions from current earnings for state, federal and local taxes; Social Security taxes; and Medicare taxes;

4. The net amount of the current earnings;

5. The pay interval for the current earnings, such as weekly, bi-weekly or monthly;

6. The amount of current earnings deposited in the account and the deposit date or dates; and 7. The dates and amounts of all debits and withdrawals from the account, from the first date of deposit of current earnings until the date of the freeze.

(d) Upon receipt of the proof required by paragraph (11)(d), the Department shall determine if the amount that has been frozen includes exempt earnings. Upon determining that exempt earnings have been frozen, the Department shall notify the financial institution to release the exempt portion of current earnings from the Notice to Freeze.

(12) Levy Actions in Two or More Cases.

(a) If an obligor has two or more cases that meet the criteria in subsection (3), the Department includes all of the cases in a single levy action. The past-due or overdue support amount owed in each case is added together and the total amount owed for all cases appears on notices issued in accordance with this rule.

(b) Upon receipt from the custodian of proceeds from the obligor's personal property, the Department allocates the proceeds among the obligor's cases *pro rata*, in the same proportion as the total amount of past-due or overdue support owed in each case as of the date the Notice of Levy was issued.

(13) Levy Actions Against Jointly Owned Property.

(a) When a levy action concerns jointly owned property, the Department provides the same notice and opportunity for a

hearing to a joint owner as the Department provides to the obligor.

1. The Notice of Intent to Levy informs a joint owner that the joint owner has the same right to contest the levy as the obligor.

2. The joint owner may contest the levy action in the same manner as the obligor, as provided by Section 409.25656(8), F.S., within 21 days after receipt of the Notice of Intent to Levy.

(b) If the Department is informed that the joint owner has not received the Notice of Intent to Levy provided to the obligor, the Department shall serve the joint owner in person, or send the individual a Notice to Joint Owner Intent to Levy (CS-EF127), and a copy of the Notice of Intent to Levy previously served on the obligor by certified mail, return receipt requested. The joint owner may contest the levy within 21 days after the date of receipt of the Notice to Joint Owner Intent to Levy. The Notice to Joint Owner Intent to Levy (CS-EF127) is incorporated herein by reference, effective xx/xx, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____)).

(c) The Department may not levy upon the portion of the obligor's jointly owned personal property that the Department determines belongs exclusively to a joint owner. Upon determining that a portion of the personal property belongs exclusively to the joint owner, the Department shall release that portion of the property from the Notice to Freeze.

1. The obligor and joint owner have the burden of proving that property subject to a Notice to Freeze belongs exclusively to the joint owner and must provide proof to the Department, which may include the following:

a. Documentation of deposits made by the joint owner;

b. Documentation that deposits were exclusively from the joint owner's funds;

c. Account statements that correspond to the time period of the joint owner's deposits; or

d. Any other documentation that proves the personal property belongs exclusively to the joint owner.

2. If the obligor and joint owner do not provide proof in accordance with subparagraph 1., the Department shall deny the claim.

(d) An agreement between the Department and the obligor and joint owner to partially release a Notice to Freeze on jointly owned property must be in writing and fully executed by all parties to the agreement.

Rulemaking Authority 409.2557(3)(i), 409.25656(11) FS. Law Implemented 409.25656 FS. History—New 4-3-02, Amended \_\_\_\_\_.

12E-1.029 Financial Institution Data Matches.

(1) Procedures for Entering into Agreements With Financial Institutions.



(a) The Department shall send a Financial Institution Data Match Election Form (Form CS-EF133) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06583>), incorporated herein by reference, effective ~~xx/xx/4/5/16~~, for the operation of the data match system described in Section 409.25657(2), F.S., to each financial institution doing business in the state meeting the definition of a financial institution in Section 409.25657(1)(a), F.S., and which has not elected to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c), below.

(b) The financial institution's electronic files containing data match records shall be prepared according to the specifications prescribed by the Federal Office of Child Support Enforcement's Multistate Financial Institution Data Match Specifications Handbook, Version 2.0, edition dated March 27, 2017 ~~August 3, 2010~~, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06584>), incorporated herein by reference, effective ~~xx/xx/4/5/16~~.

(c) The Department has designated the Federal Office of Child Support Enforcement as its agent authorized to enter into operational agreements for data matching, on behalf of the Department, with financial institutions doing business in two or more states electing to participate in the Federal Office of Child Support Enforcement's national data match process. The authorization only extends to agreements entered into with financial institutions doing business in this state and excludes the authority to negotiate fees to be paid to financial institutions for the costs of participating in the data match.

(2) Selecting Cases for Data Matching. The department shall include the following cases in the data match system provided by Section 409.25657(2), F.S.:

(a) Temporary cash assistance cases in which the amount of past due support is equal to or greater than \$150;

(b) Non-temporary cash assistance cases in which the amount of past due support is equal to or greater than \$500.

(3) Fees for Conducting Data Matches. The Department shall pay quarterly fees to financial institutions doing business in the state that submit an invoice to the Department for payment of the costs incurred for conducting the data match during a quarter, as follows:

(a) To financial institutions that sign and return the Financial Institution Data Match Election Form specified in paragraph (a) of subsection (1) of this rule to the Department:

1. Not more than \$250 per quarter if the financial institution performs the data match provided by Section 409.25657(2)(a), F.S.; or

2. Not more than \$50 per quarter if the financial institution selects the option provided by Section 409.25657(2)(b), F.S., to

have the department match each individual who maintains an account at the financial institution.

(b) To financial institutions electing to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) of subsection (1) of this rule, not more than \$100 per quarter.

(c) The department shall not pay quarterly fees to financial institutions not doing business in this state.

Rulemaking Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History—New 1-23-03, Amended 4-5-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Bobby York

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 29, 2019

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: RULE TITLE:

64B11-6.001 Continuing Education Program Approval

PURPOSE AND EFFECT: The Board proposes a rule amendment that updates the rule to be consistent with the language of the laws implemented and designates additional continuing education options for providers and licensees.

SUMMARY: The amendment updates the rule regarding continuing education course and program requirements that must be presented in time blocks of at least one contact hour; the time blocks are being changed to allow course and programs of at least one-half contact hour.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge

to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

**RULEMAKING AUTHORITY:** 456.013(8), 456.013(9), 456.025, 468.204, 468.219(2) FS.

**LAW IMPLEMENTED:** 456.025(7), 468.219(2), 468.221 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3253

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B11-6.001 Continuing Education Program Approval.

(1) through (4) No change.

(5) Courses and programs not approved in subsection (1) or (4), above, shall be approved as appropriate continuing education if said course or program meets the following criteria:

(a) through (c) No change.

(d) The course or program must be presented in a time block of at least one half contact hour. "One (1) contact hour" equals a minimum of fifty (50) minutes. One half (1/2 or .5) contact hours equals a minimum of twenty-five (25) minutes.

(e) through (f) No change.

Rulemaking Authority 456.013(8), 456.013(9), 456.025, 468.204, 468.219(2) FS. Law Implemented 456.025(7), 468.219(2), 468.221 FS. History—New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, 4-25-01, 6-25-02, 10-29-02, 3-28-04, 10-21-13, 1-26-15, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Occupational Therapy

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Board of Occupational Therapy

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** November 4, 2019

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** November 20, 2019

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR – Insurance Regulation**

**RULE NO.:** RULE TITLE:

690-186.013 Title Insurance Statistical Gathering:  
Licensed Agencies and Florida Retail  
Officers of Direct-Writing Title Insurance  
Underwriters

**PURPOSE AND EFFECT:** The Office initiated a data call in 2014 regarding the collection of data for the adoption of title insurance rates pursuant to Sections 624.307 and 627.782, FS, and Chapter 690-186.013-14, FAC. The Office is amending the type of data it collects from title insurance agencies to allow the Office to comply with Section 627.782, FS.

**SUMMARY:** The Office is amending 690-186.013, FAC, to update the type of data collected from title insurance agencies to allow the Office to comply with Section 627.782, FS.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

**RULEMAKING AUTHORITY:** 624.308(1), 627.782(8) FS.

**LAW IMPLEMENTED:** 624.307(1), 627.782 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Michael Lawrence, Jr., Assistant General Counsel, Office of Insurance Regulation, Michael.LawrenceJr@flor.com, (850)413-4112.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 69O-186.013, F.A.C. follows. See Florida Administrative Code for present text.

69O-186.013 Title Insurance Statistical Gathering: Licensed Agencies and Florida Retail Officers of Direct-Writing Title Insurance Underwriters On or before May 31 of each year, each licensed title insurance agency and Florida retail offices of direct-writing title insurance underwriters shall submit Form OIR-E0-2087, "Title Insurance Experience Reporting – Agents and Retail Offices of Direct-Writing Title Insurance Underwriters," effective 10/19, hereby incorporated by reference and available at www.flrules.org/XXXXX. The filing shall be submitted electronically at https://irfs.fldfs.com/. Rulemaking Authority 624.308(1), 627.782(8) FS. Law Implemented 624.307(1), 627.782 FS. History–New 2-13-95, Formerly 4-186.013, Amended 6-13-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Lawrence, Jr., Assistant General Counsel. NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2019 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 2, 2018

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Corporations

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 1N-7.001 Remote Online Notarization, 1N-7.002 Registration, 1N-7.003 Use of Electronic Record and Signature Standards for Online Notary Service Providers, and 1N-7.004 Providers.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 45 No. 230, November 26, 2019 issue of the Florida Administrative Register.

1N-7.001 Definitions

(1) Words and terms defined in section 117.201, F.S., shall have the same meaning in this chapter. For the purpose of this chapter the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(a) ~~Registrant Applicant~~ means any person registering applying as for an online public notary pursuant to 117.225, F.S.

(b) through (j) No change.

Rulemaking Authority 117.295, FS. Law Implemented 117.295 FS. History–New 1-20.

1N-7.002 Registration

(1) ~~An registrant applicant~~ shall submit form DOC 1N-7 (hyperlink), effective XXXX, herein incorporated by reference.

(2) The ~~registrant applicant~~ shall:

(a) Submit a payment registration fee of \$10 by check payable to the Florida Department of State, with their registration application; and

~~(b) Have the application form notarized; and~~

~~(b)(c)~~ Submit the application by:

1. U.S. mail to PO Box 6327, Tallahassee, FL 32314;

2. In person delivery; or

3. Courier service.

4. In person delivery and courier service will go to 2415 North Monroe St., Suite 810, Tallahassee, FL

32303.

(3) ~~An applicant's~~ registration is effective upon filing by with the Department and expires on the date of expiration, termination, or resignation of the applicant's:

(a) through (c) No change.

(4) No change.

Rulemaking Authority 117.295, FS. Law Implemented 117.225 FS. History–New 1-20.

1N-7.003 Use of Electronic ~~Journal Record~~, Signature, and Seal

(1) The online notary public's electronic ~~journal record~~, electronic signature, and electronic seal shall be retained under the online notary public's sole control. The online notary public may not allow another person to use the online notary public's electronic ~~journal record~~, electronic signature, or electronic seal.

(2) An online notary public shall attach the online notary public's electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

Rulemaking Authority 117.295, FS. Law Implemented 117.295 FS. History–New 1-20.

1N-7.004 Standards for Online Notary Service Providers

(1) Online ~~notaries public~~ ~~notary public~~s shall utilize remote online notary service providers to facilitate their performance of online notarization.

(2) The remote online service provider utilized by the online notaries public ~~notary publics~~ shall comply with the standards and requirements pursuant to section 117.295, F.S., and utilize tamper-evident technologies.

~~(3) Online notary publics must select tamper evident technology to perform notarial acts with respect to electronic documents.~~

Rulemaking Authority 117.295, FS. Law Implemented 117.295 FS. History—New 1-20.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE NOS.:	RULE TITLES:
5K-4.0010	Definitions
5K-4.002	Adoption of Federal Regulations and Other Standards
5K-4.004	General Requirements for the Manufacturing, Processing, Packing, Holding and Retailing of Foods
5K-4.0041	Mobile Food Establishments and Commissaries
5K-4.0050	Special Process Approvals
5K-4.020	Food Permits; Requirements and Fees
5K-4.021	Food Manager Certification
5K-4.023	Packaged Ice
5K-4.033	Limited Poultry and Egg Farm Operation
5K-4.035	Guidelines for Imposing Administrative Penalties

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 45 No. 62, March 29, 2019 issue of the Florida Administrative Register.

5K-4.0010 Definitions.

For the purpose of this rule chapter, the definitions in Section 500.03, F.S., and the following shall apply.

(1) through (11) No change.

(12) Processing means Manufacturing/ processing as defined in 21 CFR 1.227 as adopted by reference in Rule 5K-4.002, unless otherwise specified in this rule chapter.

(12) through (15) renumbered (13) through (16) No change.

Rulemaking Authority 500.09, 570.07(23), FS. Law Implemented 381.0062, 500.03, 500.10, 500.12, 500.147, 500.459, 500.511 FS. History—New\_\_\_\_\_.

5K-4.002 Adoption of Federal Regulations and Other Standards.

(1) The following materials are hereby incorporated and adopted as rules under the Florida Food Act, Chapter 500, F.S. Copies of all referenced materials documents are available for examination at the Florida Department of Agriculture and

Consumer Services, Division of Food Safety, Bureau of Food Inspection, 3125 Conner Boulevard, Suite H, Tallahassee, Florida 32399-1650 or online as indicated.

(a) through (c) No change.

(d) Code of Federal Regulations Title 21 – Food and Drugs, Part 1 (excluding subparts L, and M) , Part 2, Sections 2.5, 2.25-2.125, Parts 7, 70, 73-74, 100, Part 101, (excluding section 101.8, subsection 101.9(g)(2), and section 101.11), Parts 102-109, Part 111, Sections 112.3, 112.12, 112.44(a)(1)-(4), 112.140, 112.49(a), Subparts C, and L-O pertaining only to sprouts, Part 117 (except for 117.80(c)(3)) is amended to require refrigerated foods to be maintained at a temperature of 41 degrees Fahrenheit (5 degrees Celsius) or below and require that hot foods be maintained at a temperature of 135 degrees Fahrenheit (57 degrees Celsius) or above, Part 113 – 190 and Part 1240, revised as of April 1, 2016, <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>, and <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.

~~(e) Code of Federal Regulations Title 21 – Food and Drugs, Part 112, Sections 112.3, 112.12, 112.44(a)(1) (4), 112.140, 112.49(a), Subparts C, and L O pertaining only to sprouts, Part 117 (except for 117.80(c)(3) is amended to require refrigerated foods to be maintained at a temperature of 41 degrees Fahrenheit (5 degrees Celsius) or below and require that hot foods be maintained at a temperature of 135 degrees Fahrenheit (57 degrees Celsius) or above revised as of April 1, 2016, <http://www.flrules.org/Gateway/reference.asp?No=Ref08684>.~~

~~(e)(f) Code of Federal Regulations Title 40 – Protection of Environment, Part 180, (excluding subsection 180.6(d) and Section 180.101), revised as of July 1, 2018, <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.~~

(2) through (4) No change.

Rulemaking Authority 500.09, 500.12(1)(f), 500.12(5)(d), 500.12(6), 500.459, 570.07(23), (24) FS. Law Implemented 500.02, 500.03, 500.032, 500.04, 500.09, 500.10, 500.11, 500.12, 500.121, 500.13, 500.147, 500.166, 500.169, 500.172, 500.459, 570.07(2), (6), (9), (16), (18), (24), 570.0725 FS. History—New 3-1-72, Amended 12-31-74, 1-18-83, 6-17-85, Formerly 5E-6.02, Amended 7-25-88, 4-13-92, Formerly 5E-6.002, Amended 8-8-95, 9-9-96, 12-10-96, 4-10-97, 9-8-97, 11-15-99, 2-5-04, 3-1-09, 2-25-15, 1-16-17, 10-31-17,\_\_\_\_\_.

5K-4.004 General Requirements for the Manufacturing, Processing, Packing, Holding and Retailing of Foods.

The provisions of subsections (1) through (6) shall apply in determining whether the facilities, methods, practices and controls used in the manufacture, processing, packing, holding, retailing or offering for sale of foods are in conformance with or are operated or administered in conformity with this rule to assure that food for human consumption is safe.

(1) Food Establishment and grounds.

(a) No change

(b) Food ~~Establishments~~ ~~Establishment buildings and structure~~ shall:

1. Be ~~operated and maintained as required in Rule 5K-4.002, F.A.C. suitable in size, construction, and design to facilitate maintenance and sanitary operations for food processing purposes. Food Establishments that are engaged primarily in the processing of foods must have concrete or other impervious floors with slope to floor drains as required to prevent pooling or accumulation of water and other liquids. None of the operations connected with a food processing Food Establishment shall be conducted in any room or area used as living or sleeping quarters. There shall be no direct opening between living quarters and any room or area where foods are manufactured or processed.~~

2. through 6. No change.

(2) No change.

(3) Sanitary facilities and controls. Each Food Establishment shall be equipped with adequate sanitary facilities and accommodations including the following:

(a) Water supply – The water supply shall be sufficient for the operations intended and shall be derived from an approved source in accordance with Section 500.03(1)(c), F.S. Any water that contacts foods or food-contact surfaces shall be safe and from an approved source ~~as required by in accordance with applicable provisions of Sections 403.850-403.891, F.S.~~ Running water, at a temperature suitable for its intended use and under pressure, as needed, shall be provided in all areas where the processing of food, the cleaning of equipment, utensils or containers, or employees' sanitary facilities, require.

(b) Sewage disposal – Sewage disposal shall be made into an approved sewerage system or disposed of through other approved means, ~~as required by in accordance with applicable provisions of Sections 403.085-403.087, F.S.~~

(c) Plumbing – Plumbing shall be sized, installed, and maintained ~~as required by the plumbing in accordance with applicable provisions of the Florida Building Code, and maintained to:~~

1. through 4. No change.

(d) Toilet facilities – Each Food Establishment shall provide its employees with toilet and associated hand-washing facilities within the Food Establishment ~~as required by the plumbing in accordance with applicable provisions of the Florida Building Code state sanitary code.~~ Fixtures shall be of readily cleanable sanitary design. Toilet rooms shall be furnished with toilet tissue. Toilet rooms shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems,

etc.). Signs shall be posted requiring employees to use cleaning soap or detergents after using toilet.

(e) Hand-washing facilities – Conveniently located facilities for hand washing and, where appropriate, hand sanitizing shall be provided at each location in the Food Establishment ~~in areas where food preparation, food dispensing, and warewashing occurs, and in toilet rooms good sanitary practices require employees to wash or sanitize and dry their hands.~~ Such facilities, , shall be furnished with running water at a temperature for hand washing, effective hand-cleaning and sanitizing preparations, sanitary towel service or drying devices and easily cleanable waste receptacles. The use of a “common” towel is forbidden.

(f) No change.

(4) Sanitary operations.

(a) through (b) No change.

(c) Sanitation of equipment and utensils – All utensils and product-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Nonproduct-contact surfaces or equipment used in the operation of Food Establishments should be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris. Single-service articles (such as utensils intended for one-time use, paper cups, paper towels, etc.) should be stored in appropriate containers and handled, dispensed, used, and disposed of in a manner that prevents contamination of food or food-contact surfaces. Where necessary to prevent the introduction of undesirable microorganisms into food products, all utensils and product-contact surfaces of equipment used in the Food Establishment shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production operation, the contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule ~~using adequate methods for cleaning and sanitizing.~~ Sanitizing agents shall be effective and safe under conditions of use. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean ~~and provide adequate sanitizing treatment.~~

(d) No change.

(5) Processes and controls. All operations in the receiving, inspecting, transporting, packaging, segregating, preparing, processing, and storing of food shall be conducted ~~under conditions that protect against contamination of food in accordance with adequate sanitation principles.~~ Overall sanitation of the Food Establishment shall be under the supervision of an individual assigned responsibility for this

function. All reasonable precautions, including the following, shall be taken to assure that production procedures do not contribute contamination such as filth, harmful chemicals, undesirable microorganisms, or any other objectionable material to the processed product:

(a) through (b) No change.

(c) When ice is used in contact with food products, it shall be made from potable water and shall be used only if it has been manufactured, ~~in accordance with adequate standards and~~ stored, transported, and handled in a sanitary manner.

(d) through (g) No change.

(h) Packaging processes and materials shall not transmit contaminants or objectionable substances to the products, shall conform to any applicable food additive regulation in 21 CFR – parts 170-186 incorporated in paragraph 5K-4.002(1)(d), F.A.C., and should provide ~~adequate~~ protection from contamination.

(i) ~~Meaningful Coding coding~~ of products sold or otherwise distributed from a manufacturing, processing, packing, or repacking activity is recommended should be utilized to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records should be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than 2 years.

(j) No change.

(6) Personnel. The Food Establishment management shall take ~~all reasonable~~ measures and precautions to assure the following:

(a) No change.

(b) Cleanliness – All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

1. Wear clean outer garments, maintain ~~a high degree of~~ personal cleanliness, ~~and conform to hygienic practices~~ while on duty, to the extent necessary to prevent contamination of food products.

2. No change.

3. Remove all insecure jewelry and, during periods where food is manipulated by hand, remove from hands jewelry that cannot be ~~adequately~~ sanitized.

4. through 7. No change.

(c) Education and training – Wholesale Food Establishment personnel shall meet the training requirements set forth in 21 CFR 117.4(b) as adopted by reference in Rule 5K-4.002, F.A.C. Retail Food Establishment personnel shall meet the training requirements set forth in Rule 5K-4.021, F.A.C. Personnel responsible for identifying sanitation failures or food contamination in should have a background of education or experience, or a combination thereof, to provide a

~~level of competency necessary for production of clean and safe food. Food handlers and supervisors should receive appropriate training in proper food handling techniques and food protection principles and be cognizant of the danger of poor personal hygiene and unsanitary practices.~~

(d) Supervision – Responsibility for assuring compliance by all personnel with all requirements of this rule shall be clearly assigned to ~~competent~~ supervisory personnel who meet the training requirements specified in paragraph 5K-4.004(6)(c), F.A.C.

(7) Establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public are exempted from coverage under these general regulations. This exemption does not apply to persons selling Food consisting of or containing Hemp Extract. Tomato packing houses and repackers must comply with Rule 5K-4.029, F.A.C.

(8) through (9) No change.

Rulemaking Authority 570.07(23), 500.09, 500.12 FS. Law Implemented 500.04, 500.09, 500.10, 500.12(2)(b), 500.13, 500.172 FS. History–New 3-1-72, Repromulgated 12-31-74, Amended 1-18-83, Formerly 5E-6.04, 5E-6.004, Amended 9-30-96, 7-26-04, \_\_\_\_\_.

5K-4.0041 Mobile Food Establishments and Commissaries.

(1) Mobile Food Establishments.

(a) Mobile Food Establishments shall meet all applicable requirements as specified in the Mobile Food Permit Requirements (Rev. ~~7/19-11/18~~) incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> ~~and as indicated on the form.~~

(b) through (c) No change.

(d) Each Mobile Food Establishment shall report to a Commissary each day of operation, to store or replenish supplies, clean utensils, and equipment, or dispose of liquid and solid waste, with the exception of Mobile Food Establishments that sell only prepackaged foods and have all necessary support equipment located in the unit. ~~1. The Mobile Food Establishment shall visit the Commissary each day of operation unless exempt by this Rule Chapter. 2. The Mobile Food Establishment shall have more than one approved Commissary for each time it operates in a location where it cannot visit its primary Commissary once a day during operation. A Commissary Letter of Agreement, FDACS-14223 (Rev. 11/18) is required for each additional Commissary used by the Mobile Food Establishment.~~

(e) through (f) No change.

(2) No change.

Rulemaking Authority 500.09, 570.07(23) FS., Law Implemented 500.09, 500.12, FS. History—New\_\_\_\_\_.

5K-4.0050 Special Process Approvals.

(1) No change.

(2) The Department shall not issue a special process approval until the Department receives from the Retail Food Establishment the following:

(a) A complete Application for Special Process Approval For Retail Food Establishments, FDACS-14095 (Rev. ~~7/19 11/18~~), submitted either online at [www.FoodInsp@FreshFromFlorida.com](mailto:www.FoodInsp@FreshFromFlorida.com) or by mail as indicated on the form. This application is incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>;

(b) through (c) No change.

(d) A Hazard Analysis and Critical Control Point (HACCP) plan if required as specified under Sections 3-401.11(D)(4), 3-502.11, or 4-204.110(B) ~~Section 8-201.13(A)~~ of the 2017 FDA Food Code that includes the information specified under 8-201.14 as it is relevant to the special process approval requested.

(e) Scientific documentation supporting the determination that food safety is not compromised by the proposal shall be submitted for the processes outlined in paragraphs 5K-4.0050(1)(a)-(h), F.A.C.

(3) If a special process approval application is granted by the Department, or a HACCP plan is otherwise required as specified under 8-201.13 of the FDA Food Code, the Food Establishment shall:

(a) No change.

(b) Maintain and provide to the Department upon request, records specified under 8-201.14 (D) ~~and (E)(3)~~ of the FDA Food Code that demonstrate that the following are routinely employed;

1. through 4. No change.

(c) through (e) No change.

Rulemaking Authority 500.09, 570.07(23) FS. Law Implemented 500.09, 500.10, 500.11, 500.13, 500.169, FS. History—New\_\_\_\_\_.

5K-4.020 Food Permits; Requirements and Fees.

(1) No change.

(2) Food permits. The Department shall not issue a food permit to a Food Establishment until the following conditions are met:

(a) The Food Establishment submits a complete Food Permit Application, FDACS-14306 (Rev. ~~08-1911/18~~) to the Department, either online or by mail as indicated on the form. Food Permit Application, FDACS-14306 (Rev. ~~08/1911/18~~) is incorporated by reference and available online at

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

(b) No change.

(c) The Department conducts an inspection of the Food Establishment, its equipment, and methods of operation, and verifies that provisions of the Florida Food Safety Act, this rule chapter, ~~and the Food Establishment Minimum Construction Standards (Rev. 11/18)~~ have been met, and the Food Establishment submits to the Department a ~~complete Interagency Coordination Of Regulated Establishments—DOH/DACS/DBPR/DCF/AHCA/APD Evaluation Of Onsite Sewage (SEPTIC) And Water Supply Capacity (Rev. 3/12) (SEPTIC Form)~~ or provide proof that water quality requirements have been met as required by this rule. ~~The Food Establishment Minimum Construction Standards (Rev. 11/18) are hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. The SEPTIC form is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.~~

(d) No change.

(e) No food permit shall be issued until all applicable fees required ~~in~~ by subsections 5K-4.004(8), 5K-4.020(4)-(6), and Rule 5K-4.035, F.A.C. ~~rule chapter~~ have been submitted to the Department.

(3) through (7) No change.

Rulemaking Authority 500.09, 500.12(1)(b), 500.12(1)(f), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), (f), 500.12(2), 500.12(7), 500.121, 500.171, 500.172, 500.177, 570.15 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04, 11-5-07, 10-28-08, 3-1-09, 3-24-14,\_\_\_\_\_.

5K-4.021 Training and Certification.

(1) Food Manager Certification. All Retail Food Establishments shall have a certified food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for food Protection-recognized accrediting agency as conforming to the Conference for food Protection Standards for Accreditation of food Protection Manager Certification Programs in accordance with section 2-102.20 of the 2017 Food Code as incorporated by reference in subsection 5K-4.002(4), F.A.C., except for the following:

(a) through (d) No change.

(2) Training and certification of Department personnel. Any person performing required inspections of permitted Food Establishments for the Department or its agent must:

(a) through (b) No change.

(c) Pass the basic food inspection training certification requirements as specified in Standard 2 of the Voluntary

National Retail Food Regulatory Program Standards revised as of 1, 2017 hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, and the Conference for Food Protection Regulatory Retail Food Safety Inspection Officers Field Training Manual revised as of 5/13 hereby incorporated by referenced and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>; and

(d) No change.

Rulemaking Authority 500.12(6), 570.07(23) FS. Law Implemented 500.12(6) FS. History—New 1-11-94, Formerly 5E-6.021, Amended 1-23-97, 5-25-98, 3-1-09, 3-24-14,\_\_\_\_\_.

5K-4.023 Packaged Ice, Ice Vending Machines, and Water Vending Machines.

(1) In addition to the requirements in the Florida Food Safety Act, and all applicable rules in Chapter 5K-4, F.A.C., packaged ice plant operators, water vending machines, and ice vending machines shall comply with this rule. Ice vending machines shall be permitted as Packaged Ice Plants as defined in Section 500.03(1)(y), F.S.

(2) Water Source.

(a) The source of the water supply used for packaged ice, vended ice, or vended water shall be an approved public water system as defined in Section 403.852, F.S. Sections 403.850-403.864, F.S., Chapter 64E-8, F.A.C., and Chapter 62-550, F.A.C.

(b) No change.

(3) Construction.

(a) No change.

(b) Water vending machines shall also comply with the following:

1. Use methods for treatment as required by Chapter 62-550, F.A.C. including distillation, ion exchange, filtration, ultra violet light, mineral addition, or reverse osmosis.

2 through 3. No change.

4. Water vending machines dispensing purified water shall meet the requirements for purified water as stated in 21 CFR 165 as adopted in 5K-4.002, F.A.C., and the requirements stated in Rule Chapter 62-550, F.A.C.

5. No change.

(4) through (12) No change.

(13) Commissaries

(a) Ice vending machines shall not operate independent of a Commissary approved by the Department. Each Ice vending machine operator shall submit to the Department a completed Commissary Letter of Agreement, FDACS-14223 (Rev. 11/18).

1. Commissary Letter of Agreement, FDACS-14223 (Rev. 11/18), shall be executed on an annual basis.

2. The Ice vending machine operator shall make this agreement available to the Department upon request.

(b) Each Ice vending machine shall report to a Commissary at a frequency specified in Ch. 4-602 of the 2017 FDA Food Code as adopted in Rule 5K-4.002, F.A.C., to clean utensils, and equipment, or dispose of liquid and solid waste.

Rulemaking Authority 500.09, ~~500.509~~, 500.12(4)(d), 570.07(23) FS. Law Implemented 500.147, 500.459, 500.511 ~~500.453, 500.509~~ FS. History—New 1-19-95, Formerly 5E-6.023, Amended 8-8-95,\_\_\_\_\_.

5K-4.033 Limited Poultry and Egg Farm Operation.

(1) through (5) No change.

(6) Materials adopted by reference. All documents and materials referenced in this rule are hereby adopted and incorporated by reference and are available as follows:

(a) No change.

~~(b) Title 9, Volume 1, Parts 1 to 199, Code of Federal Regulations, revised as of January 1, 2000, is accessible through the internet at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03709>.~~

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

Rulemaking Authority 500.09(3), (4), (8), 500.12(1)(a), (b), 570.07(23), 583.01, 583.04 FS. Law Implemented 500.09, 500.12, 583.09 FS. History—New 3-24-14, Amended,\_\_\_\_\_.

5K-4.035 Guidelines for Imposing Administrative Penalties.

(1) No change.

(2) The Department will enforce compliance with Chapters 500, F.S., and this rule chapter by issuing an administrative complaint, a stop-sale order, or stop-use order, ~~release order, destruction order~~, notice of non-compliance, permit suspension or revocation, or an immediate final order for violations of Chapters 500, F.S., and this rule chapter.

(3) Stop-Sale, or Stop-Use, Release or Destruction Orders. The Department shall issue a Stop-Sale, or Stop-Use ~~Release and/or Destruction~~ Order FDACS-14215 ~~14402~~, (Rev. 04/19 03/18), as provided in Section 500.172, F.S., whenever necessary to effectuate the statutory duties of the Department in the interest of public health, safety, and welfare and as necessary to promote the safety of any food product, food-processing equipment, or areas within an entity operating as a Food Establishment in Florida. A Stop-Sale, or Stop-Use ~~Release and/or Destruction~~ Order 14215 ~~14402~~, (Rev. 04/19 03/18), will be used to give notice that such a product, processing equipment or area is, or is suspected of, failing to comply with the requirements of Chapter 500, F.S., or this rule chapter, and shall prohibit the removal, use, or disposal of such item. The Stop-Sale, or Stop-Use ~~Release and/or Destruction~~ Order FDACS-14215 ~~14402~~, (Rev. 04/19 03/18), is incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.



(4) through (5) No change.

(6) Aggravating and Mitigating Factors. The Department will consider aggravating and mitigating factors in determining penalties for violations of Chapters 500, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation.

(a) Aggravating Factors:

1. through 3. No change.

4. ~~The length of time the business has been in operation and the violation history over the past three years.~~

5. through 10. No change.

(b) No change.

(7) through (8) No change.

(9) Penalties.

(a) No change.

(b) Major Violations. Any violation of Chapters 500, F.S., or this rule chapter that may result in economic or physical harm to a person or may adversely affect the public health, safety, or welfare or creates a significant threat of such harm shall be considered a major violation.

1. Tier I. Tier I major violations shall result in the issuance of a stop-sale order, or stop-use order, ~~and/or destruction order.~~ For the purposes of this rule, the following violations shall be considered Tier I major violations:

a. through c. No change.

~~d. Failure to provide Water Vending Machine Relocation Form (WVMRF), FDACS 14809, (Rev. 11/18), in accordance with Section 500.459, F.S., when a water vending machine is relocated. The Water Vending Machine Relocation Form (WVMRF), FDACS 14809, (Rev. 11/18) is incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.~~

e. through p. redesignated d. through o. No change.

2. Tier II. Tier II violations shall result in the issuance of a stop-sale, or stop-use order, ~~destruction order,~~ and/or an administrative fine of \$500 up to the statutory maximum. Aggravating factors, as defined in paragraph (6)(a). of this rule, shall warrant the adjustment of the fine upward per violation per aggravating factor and mitigating factors, as defined in paragraph(6)(b). of this rule, shall warrant the adjustment of the fine downward per violation per mitigating factor, but no fine shall exceed the statutory maximum as outlined in Section 570.971, F.S., as applicable. If, three years after the day of the last violation under Chapters 500, F.S., or this rule chapter, no new violation has occurred, all previous fines shall be disregarded when administering a fine for the next violation. For the purposes of this rule, the following violations shall be considered Tier II major violations:

a. through h. No change.

(10) through (11) No change.

Rulemaking Authority 500.09, 500.12, 570.07(23), FS. Law Implemented 500.04, 500.09, 500.121, 500.171, 500.172, 500.173, 500.174, 500.177, History–New,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE NOS.: RULE TITLES:

5K-11.001	Definitions
5K-11.002	Permits and Fees
5K-11.003	Inspection and Reinspection
5K-11.004	Permitting Requirements
5K-11.005	Guidelines for Imposing Administrative Penalties

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 45 No. 236, December 6, 2019 issue of the Florida Administrative Register.

5K-11.001 Definitions.

For the purposes of this rule chapter, the definitions in s. Section 500.03, F.S., and the following shall apply:

(1) Change in Ownership means:

(a) An event in which the permittee sells or otherwise transfers its ownership to a different person as evidenced by a change in federal employer identification number or taxpayer identification number; or

(b) An event in which 51 percent or more of the ownership, shares, membership, or controlling interest of a permittee is in any manner transferred or otherwise assigned. This paragraph does not apply to a permit held by a person that is publicly traded on a recognized stock exchange. A change solely in the management or board of directors is not a change of ownership.

~~(2)(4)~~ No change.

~~(3)(2)~~–Edibles is defined as in s. Section 381.986(1)(d), F.S., to mean commercially produced food items made with Marijuana Oil, but no other form of marijuana, that are produced and dispensed by a Medical Marijuana Treatment Center.

~~(4)(3)~~–Marijuana Oil means oil derived from Low-THC Cannabis as defined in s. Section 381.986(1)(e), F.S., or Marijuana as defined in s. Section 381.986(1)(f), F.S.

~~(5)(4)~~ Medical Marijuana Treatment Centers (MMTC) are licensed by the Florida Department of Health as provided in s. Subsection 381.986(8), F.S., and are defined as in Art. X, § 29(b)(5), Fla. Const., to mean an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers.

Rulemaking Authority 500.09, 570.07(23), FS. Law Implemented 381.986, 500.03, 500.12, FS. History—New \_\_\_\_\_.

5K-11.002 – Permits and Fees.

(1) Pursuant to ~~s. Subsection 381.986(8)(e)8,~~ F.S., MMTCs producing or manufacturing Edibles are required to be permitted as food establishments and are subject to the requirements of Chapter 500, F.S., and this rule chapter.

(2) ~~MMTCs are strongly encouraged to Prior to applying for a food permit pursuant to this rule chapter, an MMTC shall undergo a plan review with the Department prior to applying for a food permit pursuant to this rule chapter.~~ Prior to applying for a food permit pursuant to this rule chapter, for the purpose of evaluating whether proposed construction or remodeling plans conform to current requirements established in Chapter 500, F.S., and this rule chapter including existing regulations adopted by reference. ~~To MMTCs may request a plan review, an MMTC shall by submitting submit a completed Medical Marijuana Treatment Center Plan Review Application, FDACS- 14222 14032 (Rev. 11/18 01/19) incorporated by reference in Rule 5K-4.004(8)(a), F.A.C., and any applicable fees as outlined in paragraph 5K-4.004(8)(9)(b), F.A.C. An MMTC shall not apply for a food permit unless plans are approved by the Department. The Medical Marijuana Treatment Center Plan Review Application, FDACS 14032 (Rev. 01/19), is incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.~~

(3) Initial Permits. Prior to producing or manufacturing Edibles, an MMTC must obtain a food permit pursuant to Chapter 500, F.S., and in accordance with this rule. To apply for a food permit an MMTC shall:

~~(a) Complete a plan review pursuant to Subsection (2) and have approved plans by the Department;~~

~~(a)(b) Submit to the Department a completed Medical Marijuana Treatment Center Food Permit Application, FDACS-14031, (Rev. 01/19), which is adopted and incorporated by reference and available as indicated in the form and online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx>;~~

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

~~(d)(e) Demonstrate through an initial inspection conducted by the Department that the facility where Edibles will be produced or manufactured meets inspection requirements established in Chapter 500, F.S., and Paragraphs 5K-4.002(1)(c) - (e), Subsection 5K-4.002(2), and Rule 5K-4.004 Rule Chapter 5K-4, F.A.C.~~

(4) Permit renewal. Food permits must be renewed by the MMTC annually as prescribed in Subsection (3), with the exception of the plan review in Paragraph (a) and initial inspection in Paragraph (3)(d)(e).

(5) Prior to implementation, MMTCs shall notify the Department in writing at [foodinsp@freshfromflorida.com](mailto:foodinsp@freshfromflorida.com), of any changes or additions to: food products to be produced or manufactured; ~~equipment to be used; or methods of processing.~~ ~~The Department will review the change to determine whether additional action is required by the MMTC to remain in compliance with Chapter 500, F.S., and this rule chapter. The Department shall notify the MMTC and schedule an inspection if further action is necessary.~~

(6) through (7) No change.

(8) Change in Ownership or Physical Location of an MMTC. An MMTC must complete the application requirements and receive a new food permit prior to manufacturing or producing edibles in a new location or after a Cehange in Ownership. Food permits are not transferable from one person or physical location to another.

(9) No change.

5K-11.003 Inspections and Reinspections.

(1) No change.

(2) Reinspections. Any reinspection required for an MMTC shall be charged a fee of \$135.00 for recovery of the cost incurred to provide each reinspection. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, ~~or this rule chapter~~ following a previous inspection that requires a reinspection. Such inspection shall be indicated by issuance of an inspection report listing conditions that are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses, or environmental health hazards.

Rulemaking Authority 500.09, 500.12, 570.07(23) FS. Law Implemented 500.12, 500.147, FS. History—New \_\_\_\_\_.

5K-11.004 Permitting Requirements.

~~(1) Paragraphs 5K 4.002(1)(c) — (c), Subsection 5K-4.002(2), and Rule 5K 4.004, F.A.C., are incorporated by reference and apply to MMTCs operating as food establishments.~~

(2) through (4) renumbered (1) through (3) No change.

~~(5) Any person violating this rule chapter shall be subject to the injunction procedures of Section 500.171, F.S., and to the penalties provided in Sections 500.121, 500.172, 500.173, 500.174, and 500.177, F.S.~~

Rulemaking Authority 500.09, 570.07(23), FS. Law Implemented 500.04, 500.09, 500.10, 500.12, ~~500.80,~~ FS. History—New \_\_\_\_\_.

5K-11.005 Guidelines for Imposing Administrative Penalties.

(1) No change.

(2) Any person violating this rule chapter shall be subject to the injunction procedures of s. 500.171, F.S., and to the penalties provided in ss. 500.121, 500.172, 500.173, 500.174, and 500.177, F.S.

~~(3)(2)~~ The Department will enforce compliance with Chapters 500, F.S., and this rule chapter by issuing an administrative complaint, a stop-sale order, stop-use order, release order, ~~destruction order~~, notice of non-compliance, permit suspension or revocation, or an immediate final order for violations of Chapters 500, F.S., and this rule chapter.

~~(4)(3)~~ Stop-Sale, or Stop-Use, ~~Release, or Destruction~~ Orders. The Department shall issue a Stop-Sale, or Stop-Use, ~~Release, and/or Destruction~~ Order FDACS-14215, (Rev. ~~(04/19 03/18)~~), as provided in s. Section 500.172, F.S., whenever necessary to effectuate the statutory duties of the Department in the interest of public health, safety, and welfare and as necessary to promote the safety of any food product, food-processing equipment, or areas within an entity operating as a food establishment in Florida. A Stop-Sale, or Stop-Use, ~~Release, and/or Destruction~~ Order 14215, (Rev. ~~04/19 03/18~~), will be used to give notice that such a product, processing equipment or area is, or is suspected of, failing to comply with the requirements of Chapter 500, F.S., or this rule chapter, and shall prohibit the removal, use, or disposal of such item. The Stop-Sale, or Stop -Use, ~~Release, and/or Destruction~~ Order is incorporated by reference in Rule 5K-4.035, F.A.C.

(4) through (5) renumbered (5) through (6) No change.

~~(7)~~ ~~(6)~~ Aggravating and Mitigating Factors. The Department will consider aggravating and mitigating factors in determining penalties for violations of Chapters 500, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation.

(a) Aggravating Factors:

1. through 3. No change.

4. ~~The length of time the business has been in operation and the violation history over the past three years.~~

5. through 10. No change.

(b) No change.

(7) through (8) renumbered (8) through (9) No change.

~~(10)(9)~~ Penalties.

(a) Minor Violation. Any Department investigation or inspection which reveals violations of this Rule Chapter in which the Department determines that the violator was unaware of the rule or unclear as to how to comply with it will result in the issuance of a Notice of Non-Compliance as the Department's first response to the violation. For the purposes of this rule, the following violations shall be considered minor and shall result in the issuance of a notice of noncompliance:

1. through 3. No change.

4. Failure to notify the Department in writing of any changes or additions to food products to be produced or

manufactured, ~~equipment to be used, or methods of processing prior to implementation~~ in accordance to Subsection 5K-11.002(5)(4), F.A.C.

(b) Major Violations. Any violation of Chapters 500, F.S., or this rule chapter that may result in economic or physical harm to a person or may adversely affect the public health, safety, or welfare or creates a significant threat of such harm shall be considered a major violation.

1. Tier I. Tier I major violations shall result in the issuance of a stop-sale order, and/or stop-use order, ~~and/or destruction order~~. For the purposes of this rule, the following violations shall be considered Tier I violations:

a. through l. No change.

2. Tier II. Tier II violations shall result in the issuance of a stop-sale, stop-use order, ~~destruction order~~, ~~and/or~~ an administrative fine of \$500 up to the statutory maximum. Aggravating factors, as defined in paragraph (6)(a) of this rule, shall warrant the adjustment of the fine upward per violation per aggravating factor and mitigating factors, as defined in paragraph (6)(b) of this rule, shall warrant the adjustment of the fine downward per violation per mitigating factor, but no fine shall exceed the statutory maximum as outlined in s. Section 570.971, F.S., as applicable. If, three years after the day of the last violation under Chapters 500, F.S., or this rule chapter, no new violation has occurred, all previous fines shall be disregarded when administering a fine for the next violation. For the purposes of this rule, the following violations shall be considered Tier II violations:

a. through f. No change.

(10) through (11) renumbered (11) through (12) No change.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: RULE TITLE:

64B11-6.001 Continuing Education Program Approval

PURPOSE AND EFFECT: The Board proposes a rule amendment that updates the rule to be consistent with the language of the laws implemented and designates additional continuing education options for providers and licensees.

SUMMARY: The amendment updates the rule regarding continuing education course and program requirements that must be presented in time blocks of at least one contact hour; the time blocks are being changed to allow course and programs of at least one-half contact hour.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within

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

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

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

RULEMAKING AUTHORITY: 456.013(8), 456.013(9), 456.025, 468.204, 468.219(2) FS.

LAW IMPLEMENTED: 456.025(7), 468.219(2), 468.221 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-6.001 Continuing Education Program Approval.

(1) through (4) No change.

(5) Courses and programs not approved in subsection (1) or (4), above, shall be approved as appropriate continuing education if said course or program meets the following criteria:

(a) through (c) No change.

(d) The course or program must be presented in a time block of at least one half contact hour. "One (1) contact hour" equals a minimum of fifty (50) minutes. One half (1/2 or .5) contact hours equals a minimum of twenty-five (25) minutes.

(e) through (f) No change.

Rulemaking Authority 456.013(8), 456.013(9), 456.025, 468.204, 468.219(2) FS. Law Implemented 456.025(7), 468.219(2), 468.221 FS. History—New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, 4-25-01, 6-25-02, 10-29-02, 3-28-04, 10-21-13, 1-26-15, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 20, 2019

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 6, 2019, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from CREPES AND WAFFLES LLC located in Tampa. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and 3-compartment sinks.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 6, 2019, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Irma's Food Inc. located in Fort Myers. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

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

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

---

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on November 26, 2019, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an undisclosed number of New MRL elevators located throughout the State of Florida. Petitioner seeks a variance of the requirements of paragraph 2.14.2.2(g)(2), ASME A17.1, 2013, as adopted by Rule 61C-5.001, Florida Administrative Code that requires equipment access panels open only into the elevator car which poses a significant hardship. Any interested person may file comments within 14 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2019-200).

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

---

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on October 18, 2019, the Construction Industry Licensing Board, received a petition for variance or waiver filed by Sergey Kashin. Petitioner did not identify a rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Donald.Shaw@myfloridalicense.com. Comments on this petition should be filed with the Construction Industry Licensing Board within 14 days of publication of this notice.

---

#### DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

The Board of Speech-Language Pathology and Audiology hereby gives notice: that on December 5, 2019, an Order was filed on the Petition for Variance or Waiver. The Petition was filed by Dan Gardner, M.S., Master Audiologist, Joanne Conter, Au. D., Rachel Conter, Au. D., Angela Schenk, Au. D., and Dan Gardner, Inc. d/b/a Gardner Audiology, on September 12, 2019, seeking a variance or waiver from subsections 64B20-4.003(7) and 64B20-4.004(3), F.A.C., regarding Direct Supervision of Speech-Language Pathology Assistants and Audiology Assistants. The Notice of Petition for Variance or Waiver was published in Vol. 45, No. 192, on October 2, 2019, in the Florida Administrative Register. The Board, at its meeting held on November 1, 2019, voted to grant a temporary variance or waiver of the rules with conditions as outlined in the order.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4162, or by electronic mail - kama.monroe@flhealth.gov.

---

### Section VI

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

##### DEPARTMENT OF STATE

Division of Historical Resources

The Bureau of Historic Preservation and the Ad Hoc Florida Main Street Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 18, 2019, 1:00 p.m. until conclusion

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL, 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and recommend new Florida Main Street communities for 2019-2020. The recommendation of the Advisory Committee will be submitted to Secretary of State Laurel M. Lee for review and approval.

**WEBINAR INFO:** Registration URL:  
<https://attendee.gotowebinar.com/register/274204309357506316>

Webinar ID: 411-288-787, Phone #: (951)384-3421, Access Code: 770-551-238

A copy of the agenda may be obtained by contacting: Laura Cicone, (850)245-6346 or via e-mail, [Laura.Cicone@dos.myflorida.com](mailto:Laura.Cicone@dos.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Laura Cicone. 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: Laura Cicone, (850)245-6346 or via e-mail, [Laura.Cicone@dos.myflorida.com](mailto:Laura.Cicone@dos.myflorida.com).

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Administration

The Florida Agricultural Museum announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, December 19, 2019, 2:00 p.m.

**PLACE:** Caldwell Dairy Barn; 7900 Old Kings Road N, Palm Coast, FL 32137

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Board of Trustees to discuss general business.

A copy of the agenda may be obtained by contacting: Kara Hoblick at (386)446-7630.

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: Kara Hoblick at (386)446-7630. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF TRANSPORTATION**

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

**DATE AND TIME:** Thursday, December 19, 2019, 5:30 p.m. – 7:30 p.m.

**PLACE:** Wildwood Community Center, 6500 County Road 139, Wildwood, FL 34785

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Transportation (FDOT) will host a Community Open House to share information about the Florida Multi-Use Corridors of Regional Economic Significance (M-CORES) Task Force for the Northern Turnpike Connector extending from the northern terminus of the Florida’s Turnpike northwest to the Suncoast Parkway. The Community Open House will take place at the Wildwood Community Center on the date and time listed above.

The purpose of the Community Open House is to provide an opportunity for the public to view information presented to-date at the Task Force meetings for the Northern Turnpike Connector. Attendees may come anytime between 5:30 p.m. and 7:30 p.m. to view displays, hold one-on-one conversations with staff, and watch a presentation that will run on a continuous loop. Anyone wishing to provide comments for the public record will be able to handwrite their comments. The displays and video will be available to view online after the open house at [www.FloridaMCORES.com](http://www.FloridaMCORES.com). Comments can also be provided directly through the website at [www.FloridaMCORES.com](http://www.FloridaMCORES.com) or by email to [FDOT.Listens@dot.state.fl.us](mailto:FDOT.Listens@dot.state.fl.us). There will be no formal presentation at the open house; however, we encourage you to drop by at your convenience during the above listed hours. If you are unable to attend the meeting but would like more information, please visit [www.FloridaMCORES.com](http://www.FloridaMCORES.com).

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

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. People who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact Jennifer Stults at [Jennifer.Stults@dot.state.fl.us](mailto:Jennifer.Stults@dot.state.fl.us) or (407)264-3808 at least seven (7) days prior to the meeting. 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).

A copy of the agenda may be obtained by contacting: Jennifer Stults at [Jennifer.Stults@dot.state.fl.us](mailto:Jennifer.Stults@dot.state.fl.us) or (407)264-3808.

For more information, you may contact: [www.FloridaMCORES.com](http://www.FloridaMCORES.com).

**DEPARTMENT OF TRANSPORTATION**

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

**DATE AND TIME:** Thursday, December 19, 2019, 5:30 p.m. – 7:30 p.m.

PLACE: Day Community Center, 4673 North County Road 53, Mayo, FL 32066

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) will host a Community Open House to share information about the Florida Multi-Use Corridors of Regional Economic Significance (M-CORES) Task Force for the Suncoast Connector extending from Citrus County to Jefferson County. The Community Open House will take place at the Day Community Center on the date and time listed above. Please note that this location is a change from the previously scheduled location.

The purpose of the Community Open House is to provide an opportunity for the public to view information presented to-date at the Task Force meetings for the Suncoast Connector. Attendees may come anytime between 5:30 p.m. and 7:30 p.m. to view displays, hold one-on-one conversations with staff, and watch a presentation that will run on a continuous loop. Anyone wishing to provide comments for the public record will be able to handwrite their comments. The displays and video will be available to view online after the open house at [www.FloridaMCORES.com](http://www.FloridaMCORES.com). Comments can also be provided directly through the website at [www.FloridaMCORES.com](http://www.FloridaMCORES.com) or by email to [FDOT.Listens@dot.state.fl.us](mailto:FDOT.Listens@dot.state.fl.us). There will be no formal presentation at the open house; however, we encourage you to drop by at your convenience during the above listed hours. If you are unable to attend the meeting but would like more information, please visit [www.FloridaMCORES.com](http://www.FloridaMCORES.com).

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

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. People who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact Ryan Asmus at [Ryan.Asmus@dot.state.fl.us](mailto:Ryan.Asmus@dot.state.fl.us) or (386)961-7443 at least seven (7) days prior to the meeting. 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).

A copy of the agenda may be obtained by contacting: Ryan Asmus at [Ryan.Asmus@dot.state.fl.us](mailto:Ryan.Asmus@dot.state.fl.us) or (386)961-7443.

For more information, you may contact: [www.FloridaMCORES.com](http://www.FloridaMCORES.com).

#### DEPARTMENT OF CITRUS

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

DATE AND TIME: December 18, 2019, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E Main Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, consumer education and engagement programs, program evaluation measurements, licensing, issues pertaining to Chapter 601, F.S., rulemaking; and any other matter addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Heather Anderson at [HAnderson@citrus.myflorida.com](mailto:HAnderson@citrus.myflorida.com) or 1(863)537-3950.

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: Dianne Screws at [dscrews@citrus.myflorida.com](mailto:dscrews@citrus.myflorida.com) or 1(863)537-3984. 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.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

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

DATE AND TIME: Thursday, December 19, 2019, 10:00 a.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308. This meeting will also be available via online webinar which requires a telephone for audio: <https://attendee.gotowebinar.com/register/9059798094693123329>, webinar ID: 378-283-563. AUDIO: Participants can use their telephone for audio and are muted upon calling in. Participants cannot be unmuted without their audio pin. Audio PINs are shown after joining the webinar. United States (Toll-free): 1(877)309-2071, Access Code 975-774-386 (muted at call-in). If you have any difficulty accessing the teleconference, please call the Florida Center's main number at (850)412-3730.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the State Consumer Health Information and Policy Advisory Council to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: The agenda will be posted on the Agency website seven (7) days

prior to the meeting:  
<http://ahca.myflorida.com/SCHS/CommitteesCouncils/SCHIP/chismetings.shtml>.

For more information, you may contact: Jennifer Miller, Florida Center for Health Information and Policy Analysis at [Jennifer.Miller@ahca.myflorida.com](mailto:Jennifer.Miller@ahca.myflorida.com) or (850)412-3735.

**DEPARTMENT OF MANAGEMENT SERVICES**

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

**DATE AND TIME:** Monday, December 9, 2019, 10:00 a.m. – 12:00 Noon ET

**PLACE:** 102 House Office Building (Reed Hall), 400 South Monroe, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Government Efficiency Task Force, established pursuant to s. 11.9005, F.S., announces its agenda to include: discussions and presentations related to technology and innovation, data governance, and digital government. There will be opportunity for public comment both in person and via telephonic means: Dial (850)487-5996, when prompted enter code 934594#

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: The agency website at [https://www.dms.myflorida.com/other\\_programs/government\\_efficiency\\_task\\_force](https://www.dms.myflorida.com/other_programs/government_efficiency_task_force).

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: [Renee.Harkins@dms.myflorida.com](mailto:Renee.Harkins@dms.myflorida.com) or (850)412-6051. 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: [Renee.Harkins@dms.myflorida.com](mailto:Renee.Harkins@dms.myflorida.com) or (850)412-6051.

**DEPARTMENT OF MANAGEMENT SERVICES**

The Department of Management Services announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Monday, December 16, 2019, 11:00 a.m. ET

**PLACE:** Conference Call-in # 1(888)585-9008; Room # 922-103-843

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Commission Meeting

A copy of the agenda may be obtained by contacting: Mary Mica, Curator, at [mary.mica@eog.myflorida.com](mailto:mary.mica@eog.myflorida.com) or (850)717-9345.

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: Randi Peddie at (850)922-7535, or through email at [ADA.Coordinator@dms.myflorida.com](mailto:ADA.Coordinator@dms.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mary Mica, Curator, at [mary.mica@eog.myflorida.com](mailto:mary.mica@eog.myflorida.com) or (850)717-9345.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

The Board of Architecture and Interior Design announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** December 19, 2019, 10:00 a.m. ET

**PLACE:** To participate in the Telephone Conference Call, contact toll free 1(888)585-9008, participant code 491089625.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 2601 Blair Stone Road, Tallahassee, Florida 32399-0751, Telephone (850)717-1982.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 2601 Blair Stone Road, Tallahassee, Florida 32399-0751, Telephone (850)717-1982. 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: Board of Architecture and Interior Design, 2601 Blair Stone Road, Tallahassee, Florida 32399-0751, Telephone (850)717-1982.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

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

**DATE AND TIME:** January 14, 2020, 1:00 p.m. ET

**PLACE:** Telephone conference phone number 1(888)585-9008 Conference room number 742-225-236

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

A copy of the agenda may be obtained by contacting: [www.floridasosteopathicmedicine.gov/meeting-information](http://www.floridasosteopathicmedicine.gov/meeting-information)



Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Christa Peace, Regulatory Specialist III, at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 FINANCIAL SERVICES**

Division of State Fire Marshal

**RULE NOS.:RULE TITLES:**

69A-39.003 Types of Certification Available

69A-39.005 Minimum Curriculum Requirements for Firesafety Inspector Certification

The Department of Financial Services announces a hearing to which all persons are invited.

**DATE AND TIME:** January 15, 2020, 10:00 a.m.

**PLACE:** Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Department of Financial Services hereby gives notice that an additional public hearing will be held to discuss the proposed changes to the above referenced rules

A copy of the agenda may be obtained by contacting:

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mark Harper at (352)369-2858 or Mark.Harper@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF FINANCIAL SERVICES**

Division of State Fire Marshal

**RULE NOS.:RULE TITLES:**

69A-37.039 Prescribed Forms for Training and Certification

69A-37.065 Programs of Study and Vocational Courses

The Department of Financial Services announces a hearing to which all persons are invited.

**DATE AND TIME:** January 15, 2020, 10:00 a.m.

**PLACE:** Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Department of Financial Services hereby gives notice that an

additional public hearing will be held to discuss the proposed changes to the above referenced rules.

A copy of the agenda may be obtained by contacting: NA Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mark Harper at (352)369-2858 or Mark.Harper@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**INFINITE SOURCE COMMUNICATIONS GROUP, LLC**

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

**DATE AND TIME:** Wednesday, December 18, 2019, 6:00 p.m. – 8:00 p.m.

**PLACE:** Miami Banquet Hall, 13758 SW 84 Street, Miami, FL 33183, Free parking

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Transportation (FDOT) District Six will hold a Public Workshop for the Kendall Drive Project Development and Environment (PD&E) Study along State Road (SR) 94/SW 88 Street/Kendall Drive from SR 997/Krome Avenue/SW 177 Avenue to Dadeland North Metrorail Station. The Kendall corridor is being studied as a part of the Strategic Miami Area Rapid Transit, or SMART Plan, which identifies the development of six rapid transit corridors that directly support the mobility of our future population and employment growth. The project identification numbers are 437784-1-22-01 and 437784-1-22-03. This workshop will follow an informal format allowing the public to arrive at any time from 6 p.m. to 8 p.m., with a formal presentation starting at 6:30 p.m. Graphic displays will be shown and FDOT representatives will be available to discuss the project and answer questions. This workshop will provide an opportunity for the public to view transportation improvements and alternatives for the Kendall Drive corridor.

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

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

The meeting is intended to satisfy the requirement for a public meeting under Laws of Florida, Chapter 89-383, as amended by Chapter 2007-196, to present the findings of fact necessitating the project.

A copy of the agenda may be obtained by contacting: Community Outreach Specialist, Monica Diaz at (305)573-0089 or by email: monica@iscprgroup.com.

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

For more information, you may contact: Community Outreach Specialist, Monica Diaz at (305)573-0089 or by email: monica@iscprgroup.com.

**HML PUBLIC OUTREACH**

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

DATE AND TIME: Wednesday, December 18, 2019, 6:00 p.m. – 8:00 p.m.

PLACE: Redlands Golf & Country Club, 24451 SW 177 Avenue, Homestead, FL 33031

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a Public Meeting for an upcoming roadway improvement project. The project limits extend along State Road (SR) 997/Krome Avenue from SW 312 Street to SW 232 Street. The project identification numbers are 427369-1-32-01, 405575-9-52-01.

The public meeting will follow an informal format allowing the public to arrive at any time from 6:00 p.m. and 8:00 p.m. FDOT representatives will provide an overview of the project and will be available to answer questions.

A copy of the agenda may be obtained by contacting: Community Outreach Specialist, Heather M. Leslie at (305)905-5876, email: heather@hmlpublicoutreach.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Irene I. Varela-Riaz at (305)470-5342 or in writing to FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at: Irene.Varela@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Community Outreach Specialist, Heather M. Leslie at (305)905-5876, email: heather@hmlpublicoutreach.com.

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

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF TRANSPORTATION  
District 7 Headquarters "C" & "D" Restroom Renovations  
Bids will be received by the Florida Department of Transportation until 2:30 p.m. on Wednesday, January 8, 2020 for Level 4 Fixed Capital Outlay Proposal E7N29 District 7 Headquarters C & D Restroom Renovations. Complete letting advertisement information for this project is available on our

website at: <https://www.fdot.gov/contracts/d7/fco> or by calling 1(813)975-6000.

**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, November 29, 2019 and 3:00 p.m., Friday, December 6, 2019.

Rule No.	File Date	Effective Date
6A-1.0451	12/2/2019	12/22/2019
6A-1.0503	12/2/2019	12/22/2019
6A-1.0504	12/2/2019	12/22/2019
6A-4.0051	12/2/2019	12/22/2019
6A-4.0163	12/2/2019	12/22/2019
6A-4.0181	12/2/2019	12/22/2019
6A-4.0292	12/2/2019	12/22/2019
6A-4.035	12/2/2019	12/22/2019
6A-6.053	12/2/2019	12/22/2019
6A-6.0574	12/2/2019	12/22/2019
6A-6.0786	12/2/2019	12/22/2019
6A-6.09091	12/2/2019	12/22/2019
6A-10.040	12/2/2019	12/22/2019
6A-14.024	12/2/2019	12/22/2019
12AER19-03	12/5/2019	12/5/2019
12BER19-02	12/5/2019	12/5/2019
59G-1.060	12/5/2019	12/25/2019
59G-4.050	12/2/2019	12/22/2019
61N-2.021	12/3/2019	12/23/2019
64B7-26.001	12/5/2019	12/25/2019
64B7-26.002	12/5/2019	12/25/2019
64B7-26.007	12/5/2019	12/25/2019
65C-30.006	12/2/2019	12/22/2019
65C-30.008	12/2/2019	12/22/2019
69N-121.003	12/6/2019	12/26/2019
69O-137.002	12/6/2019	12/26/2019
69O-143.046	12/6/2019	12/26/2019
69O-156.003	12/6/2019	12/26/2019
69O-156.0075	12/6/2019	12/26/2019

69O-156.0086	12/6/2019	12/26/2019
69O-167.007	12/6/2019	12/26/2019
69O-189.003	12/6/2019	12/26/2019
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/*****
60P-1.003	11/5/2019	**/**/*****
60P-2.002	11/5/2019	**/**/*****
60P-2.003	11/5/2019	**/**/*****
64B8-10.003	12/9/2015	**/**/*****

**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.