

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: **RULE TITLE:**
59G-4.193 Statewide Medicaid Managed Care Long-term Care Waiver Program Prioritization and Enrollment

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.193, Florida Administrative Code (F.A.C.), is to revise the prioritization process for the Statewide Medicaid Managed Care Long-term Care (LTC) Waiver Program.

SUBJECT AREA TO BE ADDRESSED: Long-term Care Waiver Program Prioritization and Enrollment.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.193, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919, 409.961 FS.

LAW IMPLEMENTED: 409.978, 409.973 FS.

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

DATE AND TIME: September 17, 2020, 3:30 p.m. to 4:00 p.m.

PLACE: Remote Listeners: Attendees may register for the hearing

at:
<https://attendee.gotowebinar.com/register/1119362619891795472>.

After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available. 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: MedicaidRuleComments@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: MedicaidRuleComments@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development is not available at this time.

Section II
Proposed Rules

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.:	RULE TITLES:
27P-22.002	Definitions
27P-22.003	Eligibility
27P-22.004	LMS Working Groups
27P-22.006	County Allocations and Project Funding
27P-22.007	Application

PURPOSE AND EFFECT: The purpose of this amendment is to update the rule implementing the Hazard Mitigation Grant Program to reflect the current federal requirements.

SUMMARY: The purpose of this proposed rule is to update various requirements for both the Local Mitigation Strategy (LMS) and Hazard Mitigation Grant Program (HMGP), as they relate to the state’s administration thereof. The proposed changes include the following: incorporate by reference various state and federal documents throughout the rule, an update to list of definitions (.002), an update to eligible project types under the HMGP (.003), additional annual LMS update requirements (.004), clarifying language concerning county allocations and project funding (.006), and an update to the requirements for applying for the Hazard Mitigation Grant Program funds provided by the federal government (.007).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule is being updated to reflect the current federal regulations implementing the Hazard Mitigation Grant Program, and as such will not have any financial impact on small businesses or increase regulatory costs in excess of \$200,000 either directly or indirectly.

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: 252.35, FS.
 LAW IMPLEMENTED: 252.31-252.90, FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: September 17, 2020, 10:00 a.m.
 PLACE: : Due to COVID-19, no public visitors are allowed into the Sadowski Building, 2555 Shumard Oak Blvd., Tallahassee, FL 32399. Therefore, this Public Hearing will be held via GoToMeeting Webinar and Conference Call pursuant to Chapter 28-109, Florida Administrative Code.
 GoToMeeting –
<https://attendee.gotowebinar.com/register/8453759386614433038> and Conference Call in Number: (888)585-9008 and Call-in Code: 258-740-256.

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: Jared Jaworski, (850)815-4537; jared.jaworski@em.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: : Jared Jaworski, Division of Emergency Management, 2555 Shumard Oak Boulevard, Rm 310B, Tallahassee, Florida 32399, jared.jaworski@em.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

27P-22.002 Definitions.

(1) “Adoption” means a resolution, ordinance or other formal action taken by the governing body of a county or municipality indicating agreement with and acceptance of the relevant Local Mitigation Strategy.

(2) “Application” means the request for hazard mitigation funding as submitted to the Division of Emergency Management (Division or FDEM) by an Applicant.

(3) “Applicant” means a state agency, local government, Native American tribe or authorized tribal organization or private non-profit organization requesting hazard mitigation funding.

(4) “DHS” means Department of Homeland Security.

~~(5)(4)~~ → “FEMA” means the Federal Emergency Management Agency.

~~(5) “Florida Hazard Mitigation Strategy” means Florida’s version of the Hazard Mitigation Plan referred to in 44 C.F.R., Part 206, Subpart M and approved by FEMA. The Florida Hazard Mitigation Strategy (Rev. February 26, 2013) is hereby incorporated into this rule by reference. A copy may be~~

~~obtained by contacting the Division of Emergency Management.~~

(6) “Hazard” means a condition that exposes human life or property to harm from a man-made or natural disaster.

(7) “Hazard Mitigation” means any action taken to reduce or eliminate the exposure of human life or property to harm from a man-made or natural disaster.

(8) “Hazard Mitigation Grant Program”, herein referred to as HMGP, means the program authorized under Section 404 of the Stafford Act and implemented by 44 C.F.R., Part 206, Subpart N, hereby incorporated by reference, <http://www.flrules.org/Gateway/references.asp?No=Ref-#####>, a copy of which may be obtained by contacting the Division, which provides funding for mitigation projects as identified in the State Hazard Mitigation Plan Strategy.

(9) “Local Mitigation Strategy” or “LMS” means a plan to reduce identified hazards within a county.

(10) “Project” means a hazard mitigation measure as identified in an LMS.

(11) “Repetitive loss structures” means structures that have suffered two or more occurrences of damage due to flooding and which have received payouts from the National Flood Insurance Program as a result of those occurrences.

(12) “State Hazard Mitigation Plan” means Florida’s version of the Hazard Mitigation Plan referred to in 44 C.F.R., Part 206, Subpart N and approved by FEMA. The State Hazard Mitigation Plan is set forth in the Enhanced State Hazard Mitigation Plan 2018, hereby incorporated into this rule by reference.

<http://www.flrules.org/Gateway/references.asp?No=Ref-#####>. A copy may be obtained by contacting the Division of Emergency Management.

~~(13)(12)~~ “Working Group” is the group responsible for the development and implementation of the Local Mitigation Strategy.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History–New 2-24-02, Formerly 9G-22.002, Amended 7-18-13, _____.

27P-22.003 Eligibility.

(1) Eligible types of projects shall include, but not be limited to, the following:

(a) Certain nNew construction activities that will result in protection from hazards;

(b) Retrofitting of existing facilities that will result in increased protection from hazards;

(c) Elevation of flood prone structures;

(d) Vegetative management/soil stabilization;

(e) Infrastructure protection measures;

(f) Stormwater management/flood control projects;

(g) Property acquisition or relocation; and

(h) Plans that identify and analyze mitigation problems and include funded, scheduled programs for implementing solutions, within the same disaster.

(2) In order to be eligible for funding, projects shall meet the following requirements:

(a) Conform to the State Florida Hazard Mitigation Plan Strategy;

(b) Conform to the funding priorities for the disaster as established in the LMS governing the project;

(c) Conform to the following federal regulations incorporated by reference, copies of which may be obtained by contacting the Division:

1. 44 C.F.R., Part 9, Floodplain Management and Protection of Wetlands, dated October 1, 2019, incorporated by reference,

<http://www.flrules.org/Gateway/references.asp?No=Ref-#####>;

2. DHS Directive 023-01, Revision 01, dated 10/31/2014, incorporated by reference,

<http://www.flrules.org/Gateway/references.asp?No=Ref-#####>;

3. DHS Instruction 023-01-001-01, Revision 01, dated 11/6/2014, incorporated by reference,

<http://www.flrules.org/Gateway/references.asp?No=Ref-#####>;

4. FEMA Directive 108-1, dated 08/22/2016, incorporated by reference,

<http://www.flrules.org/Gateway/references.asp?No=Ref-#####>; and

5. FEMA Instruction 108-1-1, dated 08/22/2016, incorporated by reference,

<http://www.flrules.org/Gateway/references.asp?No=Ref-#####>.

Conform to 44 C.F.R., Part 9, Floodplain Management and Protection of Wetlands, and 44 C.F.R., Part 10, Environmental Considerations, both hereby incorporated by reference, copies of which may be obtained by contacting the Division;

(d) Eliminate a hazard independently or substantially contribute to the elimination of a hazard where there is reasonable assurance that the project as a whole will be completed; and

(e) Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a disaster.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.003, Amended _____.

27P-22.004 LMS Working Groups.

Each county electing to participate in the HMGP must have a formal LMS Working Group and a current FEMA approved LMS.

(1) Not later than the last working weekday of January of each year the Chairperson of the Board of County Commissioners shall submit to the Division a list of the members of the Working Group and its designated Chairperson and Vice-Chairperson.

(2) The Working Group shall include, at a minimum:

(a) Representation from various agencies of county government which may include, but not be limited to, planning and zoning, roads, public works and emergency management;

(b) Representation from all interested municipalities within the county; and

(c) Representation from interested private organizations, civic organizations, trade and commercial support groups, property owners associations, Native American Tribes or authorized tribal organizations, water management districts, regional planning councils, independent special districts and non-profit organizations.

(3) The county shall submit documentation to show that within the preceding year it has issued a written invitation to each municipality, private organization, civic organization, Native American Tribe or authorized tribal organization, water management district, independent special district and non-profit organization, as applicable, to participate in the LMS working group. This documentation shall accompany the membership list submitted to the Division.

(4) The Working Group shall have the following responsibilities:

(a) To designate a Chairperson and Vice-Chairperson;

(b) To develop and revise an LMS as necessary;

(c) To coordinate all mitigation activities within the County;

(d) To set an order of priority for local mitigation projects; and

(e) To submit annual LMS updates to the Division by the last working weekday of each January. Updates shall address, at a minimum:

1. List of Working Group Members including Chair and Vice-Chair;

2. Changes to the hazard assessment;

3. Updated Changes to the project priority list including estimated costs and potential funding sources;

4. Changes to the critical facilities list;

5. Changes to the repetitive loss list; and

6. Revisions to any maps.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.004, Amended 7-18-13, _____.

27P-22.006 County Allocations and Project Funding.

(1) The available HMGP funds shall be allocated to the counties included in the relevant presidential disaster declaration, as defined in Section 252.34(2)(4), F.S., in proportion to each county’s share of the federal disaster funding from the Public Assistance, Individual Assistance and Small Business Administration programs as of 120 ~~90~~ days after the disaster declaration as reported by FEMA.

(a) Eligible and submitted projects for each county included in the relevant presidential disaster declaration will be funded in order of priority as outlined in the LMS Working Group endorsement letter until the allocated funds are exhausted, or all eligible projects are funded, whichever occurs first.

(b) Any allocation remaining after all eligible projects in any declared county are funded shall be reallocated to those counties included in the relevant presidential disaster declaration whose allocation was not sufficient to fund all submitted eligible projects in proportion to each county’s share of unfunded projects.

(2) If funds remain after all eligible projects under subsection (1) above have been funded, then they shall be applied to fund eligible projects submitted from counties not included in the relevant presidential disaster declaration on a first-come-first-served basis until all available funds are obligated.

(3) Once a project has been selected for funding, the agreement between the applicant and the Division regarding the terms and conditions of the grant shall be formalized by contract.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.006, Amended _____.

27P-22.007 Application.

(1) The following entities may apply for funding under the program:

(a) State agencies and local governments;

(b) Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 C.F.R., § 206.221(e), dated October 1, 2019, hereby incorporated by reference,

<http://www.flrules.org/Gateway/references.asp?No=Ref-#####>, a copy of which may be obtained by contacting the Division; and

(c) Indian tribes or authorized tribal organizations.

(2) The Division shall notify potential applicants of the availability of HMGP funds by publishing a Notice of Funding Availability in the Florida Administrative Register.

(3) Applicants will have not less than ninety (90) days from the date of notification to submit project applications. The opening and closing dates will be specified in the Notice of Funding Availability. Applications mailed to the Division must be postmarked on or before the final due date. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. (Eastern Time) on the final due date.

(4) A LMS Working Group endorsement letter shall accompany each application from the Chairperson or Vice-Chairperson of the LMS Working Group endorsing the project. The endorsement shall verify that the proposed project does appear in the current LMS and state its priority in relation to other submitted projects. Applications without this letter of endorsement will not be considered.

(5) Applications must be submitted using FDEM Form No. HMGP Application (01-2020) (Eff. 01-2020) ~~Form No. HMGP, State of Florida Hazard Mitigation Grant Program Application (Effective Date: June, 2012)~~, which is incorporated into this rule by reference, <http://www.flrules.org/Gateway/references.asp?No=Ref-#####>, a copy of which may be obtained by contacting the Division or visiting www.floridadisaster.org. In addition, the application form will be circulated as a part of the Notice of Funding Availability for its respective disaster grant cycle.

(6) If the Division receives an incomplete application, the applicant will be notified in writing of the deficiencies. The applicant will have thirty (30) calendar days from the date of the letter to resolve the deficiencies. If the deficiencies are not corrected by the deadline the application will not be considered for funding.

(7) Applications are to be delivered or sent to:

Division of Emergency Management
Bureau of Mitigation
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

ATTENTION: Hazard Mitigation Grant Program

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.007, Amended 7-18-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jared Jaworski

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jared Moskowitz

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 9/26/2019

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.002
 RULE TITLE: Provider Reimbursement Schedules and Billing Codes

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.002, Florida Administrative Code, (F.A.C.), is to update fee schedules and billing codes in the existing rule.

SUMMARY: The rule incorporates the 2020 Florida Medicaid fee schedules and billing codes by reference.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: September 22, 2020, 2:00 p.m. to 2:30 p.m.

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

<https://attendee.gotowebinar.com/register/7312432232120311052>.

After registering, a confirmation email will be received containing information about joining the webinar, and opportunities to offer comments and questions will be available. 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: MedicaidRuleComments@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: MedicaidRuleComments@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.002 Provider Reimbursement Schedules and Billing Codes.

(1) This rule applies to providers rendering Florida Medicaid services to recipients.

(2) Florida Medicaid reimburses for services rendered in the fee-for-service delivery system based on a fee schedule, cost report, or contract. The following fee schedules and billing codes are incorporated by reference and available on the Agency for Health Care Administration’s Web site at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

(3) Florida Medicaid Fee Schedules Effective January 1, 2020 ~~2019~~:

- (a) Ambulatory Surgical Center Services Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10603~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10603).
- (b) Assistive Care Services Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10604~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10604).
- (c) Behavior Analysis Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10605~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10605).
- (d)(~~e~~) Behavioral Health Overlay Services Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10606~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10606).
- (e)(~~d~~) Birth Center Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10607~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10607).
- (f)(~~e~~) Child Health Targeted Case Management Services Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10608~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10608).
- (g)(~~f~~) Community-Based Substance Abuse County Match Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10609~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10609).
- (h)(~~g~~) Community Behavioral Health Services Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10610~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10610).
- (i)(~~h~~) County Health Department Certified Match Program Fee Schedule [https://www.flrules.org/Gateway/reference.asp?No=Ref-~~10611~~](https://www.flrules.org/Gateway/reference.asp?No=Ref-10611).
- (j)(~~i~~) Dental General Fee Schedule

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10611>~~
 (k)(j) Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10612>~~
 (l)(k) Early Intervention Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10613>~~
 (m)(l) Hearing Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10614>~~
 (n)(m) Home Health Visit Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10615>~~
 (o)(n) Independent Laboratory Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10616>~~
 (p)(o) Licensed Midwife Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10617>~~
 (q)(p) Medicaid Certified School Match Program Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10618>~~
 (r)(q) Medical Foster Care Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10619>~~
 (s)(r) Mental Health Targeted Case Management Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10620>~~
 (t)(s) Occupational Therapy Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10621>~~
 (u)(t) Outpatient Laboratory Fee Schedule (Formerly titled Physician and Outpatient Laboratory Fee Schedule)
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10622>~~
 (v)(u) Personal Care Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10623>~~
 (v) Physician Therapy Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10624>~~
 (w) Physical Therapy Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10625>~~
 (x) Physician Pediatric Surgery Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(y)(x) Practitioner Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10626>~~
 (z)(y) Practitioner Laboratory Fee Schedule (Formerly titled Physician and Outpatient Laboratory Fee Schedule)
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10627>~~
 (aa)(z) Prescribed Drugs Immunization Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10628>~~
 (bb)(aa) Prescribed Drugs Oncology Physician Administered Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10629>~~
 (cc)(bb) Prescribed Drugs Physician Administered Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10630>~~
 (dd)(cc) Prescribed Pediatric Extended Care Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10631>~~
 (ee)(dd) Private Duty Nursing Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10632>~~
 (ff)(ee) Radiology Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10633>~~
 (gg)(ff) Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10634>~~
 (hh)(gg) Regional Perinatal Intensive Care Center (RPICC) Obstetrical Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10635>~~
 (ii)(hh) Respiratory Therapy Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10636>~~
 (jj)(ii) Specialized Therapeutic Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10637>~~
 (kk)(jj) Speech-Language Pathology Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10638>~~
 (ll)(kk) Targeted Case Management for Children at Risk of Abuse and Neglect Services Fee Schedule
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-10639>~~
 (mm)(ll) Transportation Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10640>.

~~(nn)(mm)~~ Visual Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10641>.

~~(4)~~ Florida Medicaid Fee Schedules Effective January 1, 2018

Behavior Analysis Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-09186>.

~~(4)(5)~~ Florida Medicaid Billing Codes Effective January 1, 2020 2019:

(a) County Health Department Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10642>.

(b) Federally Qualified Health Center Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10643>.

(c) Hospice Services Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10644>.

(d) Hospital Outpatient Services Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10645>.

(e) Intermediate Care Facility for Individuals with Intellectual Disabilities Services Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10646>.

(f) Nursing Facility Services Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10647>.

(g) Rural Health Clinic Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10648>.

(h) Statewide Inpatient Psychiatric Program Services Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10649>.

(5) This rule expires 5 years from it's effective date.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11, 7-16-13, 5-21-14, 6-20-16, 6-22-17, 2-7-18, 5-7-18, 1-7-19, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jesse Bottcher

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mary C. Mayhew

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 24, 2020

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-4.011 Dispensing Practitioners

PURPOSE AND EFFECT: The Board proposes the amendment of the rules to revise the incorporated form.

SUMMARY: The incorporated form will be revised.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 465.0276, 464.012(3), (4) 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: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; Joe.Baker@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.011 Dispensing Practitioners.

(1) Those APRNs whose protocols permit them to dispense medications for a fee as contemplated by Section 465.0276, F.S., must register with the Board of Nursing by submitting a completed Dispensing Application for Advanced Practice Registered Nurse (APRN), form number DH-MQA 1185,

06/2020 40/48, and hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-09839>, or from the Board office or the Board’s website: <http://www.FloridasNursing.gov>.

(2) No change.

Rulemaking Authority 464.006 FS. Law Implemented 465.0276, 464.012(3), (4) FS. History–New 9-16-91, Formerly 21O-16.003, 61F7-4.011, 59S-4.011, Amended 5-14-07, 9-1-10, 2-27-17, 10-1-18, .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2020
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 7, 2020

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:

- 68B-27.013 Definitions
- 68B-27.014 Statewide Bag Limits on Oyster Harvesting
- 68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions
- 68B-27.018 Statewide Harvesting Restrictions
- 68B-27.019 Seasons

PURPOSE AND EFFECT: The purpose of these rule amendments is to support restoration and recovery of Apalachicola Bay oyster populations by modifying the regulations found in 68B-27, Florida Administrative Code (F.A.C.).

The effect of these rule amendments would be to suspend commercial and recreational harvest of wild oysters in Apalachicola Bay and prohibit possession of tongs for harvesting wild oysters on the water through December 2025.

SUMMARY: These rule amendments would suspend all harvest of wild oysters in Apalachicola Bay and prohibit possession of tongs for harvesting wild oysters on the water through December 2025. The rule amendments would not apply to the authorized harvest of oysters from submerged lands leased for shellfish culture by the State of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

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

DATE AND TIME: During the Commission’s regular meeting October 7-8, 2020, 8:30 a.m. – 5:00 p.m. each day

PLACE: Communications media technology. More information on how to connect will be available at <http://myfwc.com/about/commission/commission-meetings>.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 620 S. Meridian St., Tallahassee, Florida 32399, and (850)487-0554.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-27.013 Definitions.

As used in this chapter:

(1) “Apalachicola Bay” or “Bay” means all waters within St. George Sound, East Bay in Franklin County, Apalachicola Bay, St. Vincent Sound in Franklin County, and Indian Lagoon in Gulf County, including canals, channels, rivers, and creeks.

(2) through (11) No change.

(12) “Tongs” means a hand-operated instrument used for gathering oysters consisting of a pair of long-handled rakes with inward-facing teeth.

(12) through (13) renumbered as (13) through (14).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 11-29-93, 11-27-96, Formerly 46-27.013, Amended 1-1-21.

68B-27.014 Statewide Bag Limits on Oyster Harvesting.

(1) Commercial Bag Limit.

(a) Except as provided in paragraph (b), in all state waters open to oyster harvesting counties of the state, no person shall harvest or take for commercial purposes more than twenty (20) bags of oysters per person or per vessel, whichever is less, per day.

(b) Except as provided in 68B-27.017(1)(a), bBeginning October 1 each year and continuing through June 30 of the following year, in Apalachicola Bay, each person who harvests or takes oysters for commercial purposes shall be subject to a bag limit of twenty (20) bags of oysters per day. On any vessel in the bay during this period, a vessel limit equal to twenty (20) bags of oysters times the number of persons aboard the vessel harvesting or taking oysters for commercial purposes shall apply and possession of more than this number of bags of oysters aboard such a vessel in the bay is prohibited. Paragraph (a) shall apply in Apalachicola Bay to all commercial harvesters during the rest of the year.

(2) Recreational Bag Limit. In all state waters open to oyster harvesting counties of the state, no person may harvest harvesting oysters for recreational purposes or shall possess more than two (2) bags of oysters per person or per vessel, whichever is less, per day. The possession of more than two bags of oysters per person or vessel, whichever is less, per day by such a harvester shall constitute a violation of this rule.

(3) No person shall harvest for recreational purposes and harvest for commercial purposes within any one day.

(4) through (5) No change.

(6) The bag and vessel limits established in this rule do not apply to the authorized harvest of oysters from submerged lands which have been leased for shellfish culture by the State of Florida.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 11-29-93, 7-15-96, Formerly 46-27.014, Amended 6-1-99, 1-1-21.

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

(1)(a) Through December 31, 2025, no person may harvest for commercial purposes an oyster from Apalachicola Bay or possess an oyster in or on Apalachicola Bay.

(b) Beginning January 1, 2026, eExcept as provided in paragraph (c) ~~(b)~~, and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes any day of the week.

~~(c)(b)~~ If during the period beginning on November 16 each year and continuing through May 31 of the following year the Commission Department's Shellfish Assessment and Enhancement Section, through its regular monitoring of the abundance of oyster resources on Cat Point Bar and East Hole Bar in the Bbay, through the Standard Resource Management Protocol (a scale based on scientific sampling that provides a predictive index of the number of oysters available for harvest), establishes that such resources cannot sustain a harvest of 300 bags of oysters per acre, the harvest of oysters for commercial purposes from the bBay on Saturday and Sunday of each week for the remainder of the period is prohibited. The Commission shall give notice of such weekend closure in the manner provided in section 120.81(5), F.S. The weekend closure shall begin no sooner than one week following such notice.

(2)(a) Through December 31, 2025, no person may harvest for recreational purposes an oyster from Apalachicola Bay or possess an oyster in or on Apalachicola Bay.

(b) Beginning, January 1, 2026, hHarvesting oysters for recreational purposes as provided in rule 68B-27.014, F.A.C., shall be permitted on any day provided the Bay is not closed for public health reasons.

(3) Through December 31, 2025, the possession of tongs in or on Apalachicola Bay is prohibited.

(4) The prohibitions in this rule do not apply to the authorized harvest of oysters from submerged lands within Apalachicola Bay which have been leased for shellfish culture by the State of Florida.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Amended 6-1-99, 9-1-05, 5-18-06, 6-1-12, 1-1-21.

68B-27.018 Statewide Harvesting Restrictions.

(1) through (4) No change.

(5) The use of any dredge, drag, scrape, or other mechanical device other than ordinary-hand tongs in harvesting oysters for any purpose from public oyster beds in state waters is prohibited.

(6) The possession of any dredge, drag, scrape, or other mechanical device other than ordinary-hand tongs in or on the waters above any public oyster bed is prohibited.

(7) Except as provided in 68B-27.017(3), F.A.C., Ordinary-hand tongs may be stowed in vessels from sundown until sunrise.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Formerly 46-27.018, Amended 6-7-10, 11-26-14, 1-1-21.

68B-27.019 Seasons.

(1) In all areas of the state, no person shall harvest oysters on the public reefs of this state, or have such oysters in

possession, from July 1 through September 30 of each year, except in the following areas or circumstances:

(a) Except as provided in 68B-27.017, F.A.C., in Apalachicola Bay:

1. The harvest or possession of oysters on the public reefs allowed from June 1 through August 31 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System.

2. The harvest or possession of oysters on the public reefs is allowed from September 1 through May 31 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System.

(b) through (c) No change.

(2) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 10-3-94, 7-15-96, Formerly 46-27.019, Amended 9-1-05, 1-1-21.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 620 S. Meridian St., Tallahassee, Florida 32399, (850) 487-0554.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 10, 2020

Section III
Notice of Changes, Corrections and
Withdrawals

NONE

Section IV
Emergency Rules

DEPARTMENT OF HEALTH

RULE NO.: 64ER20-31
RULE TITLE: Definitions

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

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2020-114, § 14,

Laws of Florida, to adopt emergency rules to implement section 381.986, Florida Statutes.

SUMMARY OF THE RULE: Emergency Rule 64ER20-31 repeals and replaces 64ER19-4, F.A.C., and amends the existing definitions in Rule 64-4.001, F.A.C., to update and add new definitions needed for additional rules being promulgated at this time.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER20-31 (64-4.001) Definitions.

All the terms defined in section 381.986, F.S., shall have the meanings provided in that section, whenever used in this chapter. For the purposes of Department of Health (the “department”) medical marijuana treatment center rules and regulations, the following words and phrases ~~shall~~ have the following meanings ~~indicated~~:

(1) AFRNP - The Applicant Fingerprint Retention and Notification Program authorized by section 943.05(2)(b), F.S., and established by the Florida Department of Law Enforcement, as provided in Rule 11C-6.010, F.A.C.

~~(2)(4)~~ Applicant – An individual or entity that meets the requirements of section 381.986(8)(b), F.S., and applies for licensure registration as a medical marijuana treatment center pursuant to section 381.986(8)(a), F.S., ~~excluding subparagraph 1. and sub-subparagraph 2.a.~~

(3) Arrest Report – The detailed narrative written by the arresting law enforcement officer explaining the circumstances of the arrest.

(4) Certificate of analysis – The document created by a Certified Marijuana Testing Laboratory (CMTL) that meets the requirements of the CMTL Certificate of Analysis rule.

~~(5)(2)~~ Certified Financials – Financial statements that have been audited in accordance with Generally Accepted Auditing Standards (GAAS) by a Certified Public Accountant, licensed pursuant to chapter 473, F.S.

(6) Child resistant – Satisfying the requirements of the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.1471 et seq., (1-14-2019 edition), which is incorporated by reference and available at: <https://knowthefactsmmj.com/>, and any regulations adopted thereunder.

(7) Commercially manufactured food product – Ready-to-eat food products available for immediate and final consumption.

~~(8)(3)~~ Cultivation – The preparation of any soil or other medium for the planting of marijuana or the tending and care or harvesting of marijuana intended to be dispensed by a medical

marijuana treatment center for medical use by a qualified patient.

~~(9)(4)~~ Cultivation Authorization – Written notification by the department to a medical marijuana treatment center that it may begin cultivating marijuana.

~~(10)(5)~~ Cultivation Facility – Any area designated to be used for cultivation of marijuana.

~~(11)(6)~~ Derivative Product – Usable product created from, infused with, or that otherwise includes or contains marijuana. Forms of marijuana suitable for medical use.

~~(12)(7)~~ Dispensing Authorization – Written notification by the department to a medical marijuana treatment center that it may begin dispensing derivative product.

~~(13)(8)~~ Dispensing Facility – Any area designated to be accessible by the public and where derivative product and marijuana delivery devices will be dispensed at retail.

~~(14)~~ Edible – Derivative product that is a commercially produced food item made with, or infused with, marijuana oil, but no other form of marijuana, that is produced and dispensed by an MMTC. The term edible includes any derivative product made with, or infused with, marijuana oil, that otherwise meets the definition of “food” in section 500.03, F.S., and complies with the Standards for Production of Edibles rule. The term does not include pills, capsules, tinctures, topicals, and similar usable products.

~~(15)(9)~~ Employee – Any person whose duties involve any aspect of the cultivation, processing, transportation or dispensing of marijuana whether or not compensated for the performance of such duties.

~~(16)~~ Expiration date – the month, day, and year, as determined by the MMTC on the basis of tests or other information showing that the edible, when stored at room temperature in a sealed receptacle, is no longer fit for consumption or optimally fresh.

~~(17)~~ FDLE - The Florida Department of Law Enforcement.

~~(18)(10)~~ Financial Statements – A presentation of financial data, including accompanying notes, derived from accounting records, that purports to show actual or anticipated financial position and intended to communicate an entity's economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with generally accepted accounting principles or a comprehensive basis of accounting other than generally accepted accounting principles. Financial presentations included in tax returns are not financial statements. The method of preparation (for example, manual or computer preparation) is not relevant to the definition of a financial statement.

~~(19)~~ Firmly affixed – Attached such that the label is not easily removed or damaged upon opening of a derivative product receptacle.

~~(20)(11)~~ Fulfillment and Storage Facility – Any area designated, which is not open to the public, to be used for order fulfillment, shipping, transportation, or storage of low-THC cannabis, medical marijuana, usable derivative product or marijuana delivery devices.

~~(21)(12)~~ Interests – Any form of ownership in or control of an applicant or a medical marijuana treatment center, including, but not limited to, ownership of stock, membership interests, partnership interests, a sole proprietorship or otherwise which convey to the holder thereof an ownership right or an interest in or right to the profits, capital, or voting with respect to such applicant or medical marijuana treatment center.

~~(22)~~ Label or labeling – The slip of paper or similar material inscribed with print or graphics and firmly affixed to the derivative product receptacle in which usable product is dispensed or displayed.

~~(23)~~ Livescan Service Provider - A vendor, entity, or agency authorized by s. 943.053(13), F.S., that scans fingerprints electronically and submits them to FDLE.

~~(24)(13)~~ Majority Ownership – Ownership of more than 50% of the interests of an applicant or medical marijuana treatment center, such ownership being determined by application of the requirements in subsection (15), below.

~~(25)(14)~~ Manager – Any person with the authority, directly or indirectly, to exercise or contribute to the operational control, direction or management of an applicant or a medical marijuana treatment center or who has direct or indirect authority to supervise any employee of an applicant or a medical marijuana treatment center. The term shall be interpreted broadly and shall include, but not be limited to, all officers, managers, and members of board of directors as well as any other person engaged to undertake management or control of the applicant or a medical marijuana treatment center or any person or persons in control of an entity engaged to undertake management or control of the applicant or medical marijuana treatment center.

~~(26)~~ Marijuana Oil – Oil derived from marijuana or low-THC cannabis.

~~(27)~~ MMTC - A medical marijuana treatment center licensed by the department pursuant to s. 381.986(8)(a), F.S.

~~(28)~~ Opaque – Not transparent or translucent.

~~(29)(15)~~ Owner – Any person who, directly or indirectly, owns (actually or beneficially) or controls, a 5% or greater share of interests of the applicant or a medical marijuana treatment center. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case, both shall be considered the owner of such interests. In determining the owners of the applicant or a medical marijuana treatment center, the attribution of ownership rules set forth in the Treasury Regulations cited as 26 CFR 1.414(c)-4(b) and (c) (4-1-17

edition), incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09656>, shall apply, but with the following exceptions and additions:

(a) The use of the term “option” in 26 CFR 1.414(c)-4(b) shall be interpreted broadly to include, but not be limited to, any and all options, warrants, calls, rights of first refusal and any other right to acquire an interest (as defined herein), whether such right is vested or unvested and regardless of whether such right is then exercisable or becomes exercisable at a future date or upon the occurrence of a future event.

(b) The exception for attribution of a spouse’s interest, as defined in subsection (12), above, and as set forth in 26 CFR 1.414(c)-4(b)(5)(ii), shall not apply.

(c) The age limitation contained in 26 CFR 1.414(c)-4(b)(6) shall apply only to children who have not attained the age of 18 years. The term “interest” as used in 26 CFR 1.414(c)-4(b)(6) shall have the meaning as set forth in subsection (12), above.

(d) In the event that a person under the age of 18 owns or is deemed an owner of an interest, such person must be disclosed to the department. Persons under the age of 18 shall be required to submit to a background screening unless the interest or ownership is imputed to another family member or guardian as outlined in paragraph (15)(c), above.

(e) To the extent that the above alterations to the provisions of 26 CFR 1.414(c)-4 alter the outcome of any of the examples set forth therein, then, in such case, such example does not apply.

(f) As used in 26 CFR 1.414(c)-4(b)(3), the term “actuarial interest” shall be interpreted broadly and shall include, but not be limited to, the right of a beneficiary of a trust or an estate to receive either income or principal distributions with respect to an interest held by such trust or estate.

(g) With regard to publicly traded companies with ownership interests in the applicant, any person who holds 10% or more interest in the publicly traded company shall be considered an owner.

(30) Package – The box, bag, or other vessel that contains the receptacle.

(31) Patient package insert – The information provided to a qualified patient or caregiver inside of the package of every usable product that contains the information required by s. 381.986(8)(e)12., F.S.

(32) Plain – Black, print lettering, in a sans-serif font, and on a white background with no pictures or graphics other than one image of the MMTC’s department-approved logo and the universal symbol.

(33)(16) Processing Authorization – Written notification by the department to a medical marijuana treatment center that it may begin processing marijuana to usable derivative product.

(34)(17) Processing Facility – Any area designated to be used for processing of usable derivative product.

(35) Product name – The brand name and any other name assigned to the usable product.

(36) Receptacle – The container, canister, or material that comes into direct contact with the usable product. In the case of some derivative products, “receptacle” means the container, canister, or material that comes into direct contact with the usable derivative product’s immediate covering (e.g., a vape cartridge that contains derivative product). In the case of edibles, “receptacle” means the container, canister, or material that comes into direct contact with the individually wrapped edible. Where the usable product is dispensed inside of a marijuana delivery device (e.g., a vape pen that contains derivative product), the receptacle means the container, canister, or material that comes into direct contact with the delivery device.

(18) Registration as a Medical Marijuana Treatment Center – Licensure as a medical marijuana treatment center pursuant to section 381.986(8), F.S.

(37)(19) Resident – A person who meets the requirements of section 381.986(5)(b), F.S.

(38)(20) Routes of Administration – The appropriate method for the usable derivative product to be taken into the body of the qualified patient, as certified by a qualified physician, but does not include smoking.

(39) Universal symbol – The image available at <https://knowthefactsmmj.com/rules-and-regulations/> which is incorporated by reference.

(40) Usable Product - All forms of marijuana suitable for medical use by a qualified patient.

(41) Usable whole flower marijuana – The flowers of the female cannabis plant, including low-THC cannabis, that is suitable to be dispensed from an MMTC for use by a qualified patient. Usable whole flower marijuana does not include seeds, stems, roots, leaves, resin extracted from any part of the plant, or any compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Usable whole flower marijuana is not considered a derivative product.

(42) Written Notice – Notice sent via email to the MMTC’s email address of record if the notice is intended for the MMTC, or notice sent via email to OMMU at OMMULicenseOperation@flhealth.gov if the notice is intended for the department, unless another means of written notice is specified by rule or statute.

Rulemaking Authority 381.986(8)(b) FS. Law Implemented 381.986 FS. History—New 6-17-15, Amended 9-19-18.

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

EFFECTIVE 8-26-2020

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-32 MMTC Packaging and Labeling

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

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

SUMMARY OF THE RULE: Emergency Rule 64ER20-32 describes packaging and labeling requirements for medical marijuana and Low-THC cannabis products dispensed by medical marijuana treatment centers.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER20-32 MMTC Packaging and Labeling.

(1) All usable product shall be placed inside of a receptacle at the MMTC's department-approved processing facility. Receptacles shall be placed inside of a package with a patient package insert that complies with subsection (10) of this rule before the usable product is dispensed by an MMTC.

(2) Before dispensing usable product in any receptacle and packaging, an MMTC shall comply with the procedure in Rule 64-4.023, F.A.C., to obtain department approval of the use of the receptacle, label, and package.

(3) Receptacles for all usable products shall comply with the following:

(a) The receptacle shall be child resistant. In the case of multiple-use usable products and multi-serving edibles, the receptacle shall be resealable such that it continues to be child resistant after each use or serving.

(b) The receptacle shall have a firmly affixed and readable label(s) that includes only the information required or permitted by s. 381.986(8)(e)11.f., F.S., and this rule. An MMTC may affix multiple labels to the receptacle as needed to convey the required or permissible information. Labels may be accordion, expandable, extendable, or layered to permit labeling of small receptacles as long as none of the required information is obstructed.

(c) All required information on the label(s) shall be prominently and conspicuously placed thereon.

(d) The universal symbol on every receptacle shall be at least ¼ inch wide and ¼ inch high and shall be placed on the outer layer of receptacle labeling.

(e) The receptacle shall not include depictions of the product or any graphics or images other than one image of the MMTC's department-approved logo and the universal symbol.

(f) The receptacle may include instructions, health information, or warnings and precautions. An MMTC shall not include unsubstantiated claims that the usable product cures any medical condition.

(4) Receptacles for derivative products that are not edibles shall be a single solid color or clear and shall not be neon. Where applicable, the lid of a receptacle shall be the same single solid color or white.

(5) Receptacles and wrapping for edibles shall comply with the following:

(a) The receptacle shall be plain, opaque, and white.

(b) The receptacle shall have a firmly affixed and readable label(s) that includes the following:

1. A list of all the edible's ingredients in order of prominence which uses the common or usual name of food ingredients and identifies major allergens in accordance with the Food Allergen Labeling and Consumer Protection Act of 2004, Public Law 108-282, Title II (effective 8/2/2004), which is incorporated by reference and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

2. Storage instructions;

3. An expiration date;

4. A legible and prominent warning to keep away from children and pets; and

5. A warning stating that the edible has not been produced or inspected pursuant to federal food safety laws.

(c) Each edible shall be individually sealed in plain, opaque, and white wrapping marked only with the marijuana universal symbol.

1. Any edible dispensed as a single serving portion shall be individually wrapped and placed inside of the receptacle.

2. Multi-serving lozenges, gelatins, and chocolates may be wrapped as single serving portions or together as a multi-serving edible and placed inside of the receptacle.

3. Each single serving portion of a multi-serving baked good shall be individually wrapped and placed inside of the receptacle.

4. Each single serving portion of a multi-serving drink powder shall be individually wrapped and placed inside of the receptacle.

(6) Receptacles for usable products in a form for smoking shall comply with the following:

(a) The receptacle shall be plain, opaque, and white.

(b) The receptacle shall have a firmly affixed and readable label that includes the following:

1. A legible and prominent warning to keep the product away from children; and

2. A warning stating that marijuana smoke contains carcinogens and may negatively affect health.

(7) Packaging for derivative products that are not edibles shall comply with the following:

(a) A package shall be one single solid color and may have one additional accent color, not including the department-approved logo, universal symbol, and text. The single solid color and the additional accent color shall not be neon.

(b) The text on a package shall be a single solid color which shall not be neon.

(c) The universal symbol shall be printed on the package and shall be no less than 10 percent of the overall surface area of the package.

(d) The package shall identify every ingredient, in order of prominence, unless the ingredients are identified on the receptacle label or patient package insert.

(8) Packaging for edibles and marijuana in a form for smoking shall comply with the following:

(a) The package shall be plain, opaque, and white.

(b) The universal symbol shall be printed on the package and shall be no less than 10 percent of the overall surface area of the package.

(9) Packaging for all usable products may include the following permissive information:

(a) The MMTC's department-approved logo;

(b) Any information required by ss. 381.986(8)(e)11.f. and 12., F.S.;

(c) A Quick Response (QR) code, or similar bar code or smart code that allows a patient to access the usable product's certificate of analysis and information related to the usable product being dispensed, provided that the information conveyed is information that is permitted to appear on the receptacle label, package, or patient package insert. Upon request of a patient or caregiver, an MMTC shall provide paper copies of the information available pursuant to this paragraph.

(d) Product Stock-Keeping Unit (SKU), barcode, or other similar product identifier;

(e) Cultivar name in black or white, print lettering, in a sans-serif font which shall not be larger than 12-point font. If the cultivar name does not comply with s. 381.986(8)(e)11.f.(VI), F.S., it shall be abbreviated on the package; and

(f) Instructions, health information, or warnings and precautions. An MMTC shall not include unsubstantiated claims that the usable product cures any medical condition.

(10) The package for every usable product shall include a patient package insert intended for the patient or caregiver that provides the information required by s. 381.986(8)(e)12., F.S.,

and no additional information, except that the patient package insert may include the information identified in subsection (9).

(11) Notwithstanding the foregoing, this rule shall not preclude an MMTC from including information on a receptacle label, or package that is otherwise required by law or rule.

(12) An MMTC shall have 6 months from the effective date of this rule to comply with requirements contained herein. Variance requests seeking approval of new edibles shall immediately comply with the requirements of this rule.

Rulemaking Authority 381.986(8)(k), 381.986(10)(h), 381.0011(1), 381.0011(2), 381.0011(7), FS. Law Implemented 381.986(8)(e) FS. History-New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE 8-26-2020

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64ER20-33 Standards for Production of Edibles.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: Pursuant to Chapter 2020-114, § 14, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.
REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health is directed by Chapter 2020-114, § 14, Laws of Florida, to adopt emergency rules to implement section 381.986, Florida Statutes.

SUMMARY OF THE RULE: Emergency Rule 64ER20-33 describes the standards for production of edibles by medical marijuana treatment centers, including the shapes and forms of permissible edibles, prohibited ingredients, and sanitation requirements.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER20-33 Standards for Production of Edibles.

(1) An MMTC that produces edibles must comply with all requirements for food establishments in Chapter 500, F.S., and any rules adopted pursuant to that chapter.

(2) All edibles must be produced by the MMTC in the MMTC's department-approved processing facility and packaged and labeled in accordance with s. 381.986, F.S., and the department's MMTC Packaging and Labeling rule.

(3) Before producing and dispensing edibles, an MMTC must:

(a) Comply with the variance procedure in Rule 64-4.023, F.A.C., to obtain department approval of the edible:

1. Through the variance request procedure, an MMTC must obtain approval of each edible product the MMTC intends to produce and dispense. The variance request must demonstrate that the proposed edible, including its packaging and labeling, are compliant with s. 381.986, F.S., and department rules. Each variance request will be considered on a case-by-case basis.

2. As part of the variance approval process, the MMTC must submit a picture of the proposed edible bearing the universal symbol, and the measurements of the edible and universal symbol, if applicable.

(b) Provide the department with a copy of a current valid permit to operate as a food establishment pursuant to Chapter 500, F.S., from the Department of Agriculture and Consumer Services; and

(c) Provide the department with documentation from a nationally accredited certifying body that the MMTC's processing facility, including the area where edibles will be produced, has passed a Food Safety Good Manufacturing Practices inspection.

(3) Edibles shall be one of the following shapes (including the three-dimensional form of each shape):

(a) Square;

(b) Circle;

(c) Rectangle;

(d) Triangle;

(e) Parallelogram;

(f) Oval; or

(g) Diamond.

(4) Edibles shall be in one of the following forms:

(a) Lozenges. For purposes of this rule, a "lozenge" is a hard edible that is held in the mouth and slowly dissolved.

(b) Gelatins. For purposes of this rule, a "gelatin" is a semi-translucent edible made with water-soluble protein derived from collagen, or a plant-based alternative.

(c) Baked goods. For purposes of this rule, a "baked good" is an edible comprised of dough or batter baked in an oven by the MMTC.

(d) Chocolates. For purposes of this rule, a "chocolate" is a solid edible made of milk chocolate, dark chocolate, or chocolate substitute such as carob. Chocolates may not contain any caramel, nougat, nuts, fruit, honey, marshmallows, or any other such ingredient, toppings, or fillings.

(e) Drink Powders. For purposes of this rule, "drink powder" is an edible comprised of powder which is combined with a fluid for consumption as a beverage by a qualified patient. Drink powders are exempt from the requirements of subsection (3).

(5) In the case of multi-serving edibles, each single serving portion must be physically distinct or clearly marked or

delineated in a way that enables a reasonable person to determine the portion of the entire edible that constitutes a single serving. If the single serving portion is not physically distinct, it must be easily separable in order to allow the qualified patient to physically separate, with minimal effort, the single serving portion.

(6) An MMTC shall not produce or dispense any edibles that:

(a) Contain any color additives, whether natural or artificial;

(b) Contain or bear a reasonable resemblance to commercially available candy. For the purposes of this rule, a product bears a reasonable resemblance to commercially available candy if the product is similar in appearance to an existing candy product that is familiar to the public as a widely distributed, branded food product, such that the edible could be mistaken for the branded product, especially by children;

(c) Bear any markings, symbols, images, graphics, or words, other than the universal symbol, as described herein;

(d) Are decorated with icing, sprinkles, or other toppings of any kind; or

(e) Are a primary or bright color. Edibles shall be produced in a manner to minimize color intensity and other color and visual characteristics attractive to children.

(7) Edibles shall not contain the following prohibited ingredients:

(a) Meat, poultry, or fish. For purposes of this rule, gelatin is not considered meat, poultry, or fish;

(b) Anything other than marijuana oil and ingredients that meet the definitions of "food" or "food additive" in s. 500.03, F.S.;

(c) Commercially manufactured food products that were not produced by the MMTC, unless the products are used as an ingredient in a manner that renders them unrecognizable as the original commercial food product and the MMTC does not state or advertise the edible contains the commercially manufactured food products;

(d) Any additive that increases potency or toxicity, or any psychoactive substance (e.g. nicotine, alcohol, and caffeine).

(8) Edibles shall be marked with the universal symbol, unless impractical.

(a) It shall be considered impractical to mark a single serving portion of an edible with the universal symbol when the edible is so small that a mark, stamp, or imprint of 1/16 inch by 1/16 inch would not fit on the edible or where the edible is made of a substance that cannot be stamped (e.g. drink powder).

(b) The universal symbol shall be:

1. Marked on at least one side of each single serving portion of an edible such that the universal symbol is distinguishable and easily recognizable;

2. Centered either horizontally or vertically on each single serving portion of an edible;

a. If centered horizontally on an edible, the height and width of the universal symbol shall be of a size that is at least 25% of the single serving's width, but not less than 1/16 inch by 1/16 inch;

b. If centered vertically on an edible, the height and width of the universal symbol shall be of a size that is at least 25% of the single serving's height, but not less than 1/16 inch by 1/16 inch; and

3. Used only by MMTCs licensed by the department.

(9) Tetrahydrocannabinol content in edibles shall meet the following requirements:

(a) A single serving portion of an edible shall not exceed 10 milligrams of tetrahydrocannabinol. A multi-serving edible shall not exceed a total of 200 milligrams of tetrahydrocannabinol; and

(b) The total tetrahydrocannabinol potency printed on the label of an edible may vary by no more than 15 percent from the total potency result found on the certificate of analysis. Such variance shall not result in the edible exceeding the maximum milligrams of tetrahydrocannabinol described in paragraph (9)(a).

(10) In addition to the food sanitation requirements in Chapter 500, F.S., and rules adopted pursuant to that chapter, an MMTC shall ensure that:

(a) All edibles are shelf stable. For purposes of this rule, "shelf stable" means that the edible can be safely stored at room temperature in a sealed container and does not require refrigeration after opening;

(b) Edibles are not to be dispensed after the labeled expiration date. Expired edibles shall be disposed of in accordance with the MMTC Marijuana Waste Management and Disposal rule;

(c) Edibles on display in a dispensing facility are contained in a secure, locked case, cabinet, or container;

(d) Edibles and edible ingredients are stored, displayed, transported and handled in a sanitary manner and under such conditions and temperatures to protect against contaminants unsafe for human consumption as defined by the CMTL Definitions rule; and

(e) Edibles and edible ingredients are protected from dust, insects, rodents, or other vermin, toxic materials, unclean equipment and utensils, germs, flooding by sewage, and overhead leakage.

(11) Except as provided herein, an MMTC may not sell, offer, or dispense any other food or beverages to its customers, other than complimentary water.

(12) An MMTC must immediately institute recall procedures upon discovery or receipt of written notice that a recall of edibles is required in accordance with s.

381.986(8)(e)11.d., F.S. Recall procedures shall include direct communication of the recall to all affected qualified patients and caregivers and a press release. The press release must be published in a publication of general circulation in the geographical area in which the recalled edibles were dispensed and on the MMTCs website. The direct communication and press release must include, at a minimum:

(a) The product name and batch number of the recalled edibles;

(b) The specific reason for the recall;

(c) The location of the dispensing facilities that dispensed the recalled edibles;

(d) The date range that the recalled edibles were dispensed;

(e) An instruction not to consume the recalled edibles;

(f) An explanation of how affected qualified patients or caregivers can return the recalled edibles; and

(g) The contact information of the MMTC for communications regarding the recall.

(13) An MMTC must provide written notice to the department of any disciplinary action proposed by the Department of Agriculture and Consumer Services in connection with the MMTC's permit to operate as a food establishment. Such notification by the MMTC must be provided to the department within one business day of receiving an administrative complaint, a stop-sale order, a stop-use order, a release order, a destruction order, a notice of non-compliance, a permit suspension or revocation, or an immediate final order for any alleged violations of Chapter 500, F.S., or any rules adopted pursuant to that chapter.

Rulemaking authority 381.986(8)(e)8., 381.986(8)(k) FS. Law Implemented 386.986(1)(d), 381.986(8)(e), 381.986(8)(f), 381.986(8)(g) FS. History-New.

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

EFFECTIVE 8-26-2020

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69KER20-1
 RULE TITLE: Licensure Compliance Regarding Inspection Deadlines.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Funeral, Cemetery, and Consumer Services (hereinafter the "Board") is statutorily mandated to adopt rules establishing a procedure for licensure and license compliance, including matters regarding facilities used by licensees. The Board is authorized to condition inspections, as narrowly and necessarily required for licensure and facility compliance regarding the impacted license by application for

licensure and change of location. Pursuant to this authority, the Board has promulgated rules setting forth the requirements for licensure and licensing compliance related matters.

Section 497.103(1), Florida Statutes, grants rulemaking authority to the Board regarding licensure matters, including requests for change of location and the authority, in pertinent part, to specify standards of operation applicable to licensees regarding required facilities utilized by licensees.

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

As of March 24, 2020, there were over 1400 confirmed cases of COVID-19 in the State of Florida. As of July 30, 2020, in the State of Florida, there are over 400,000 confirmed cases of COVID-19 and over 6,000 resulting deaths. Furthermore, as of July 2020, due to the surge of positive cases and number of deaths resulting from COVID-19, the status of the public health emergency is such that the State of Florida had been identified as an epicenter of the pandemic.

Florida’s professionals charged with regulatory compliance and providing services for the removal, embalming, and burial of the deceased, are uniquely impacted during the pandemic. The need to inspect facilities as required for licensure and license compliance under the authority of this Board, and those who come in contact with them, should not be unnecessarily put at risk during this healthcare emergency. Accordingly, the Board, by emergency rule, will waive the inspection deadlines. The Board finds that these actions are a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Given the recently declared emergency in the State of Florida and the continued guidance from the CDC, the fact that the inspection deadlines present a present danger for those responsible for conducting

the inspections and those with whom they may come in contact, the Board finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. Notice of the meeting was published in the Florida Administrative Register on December 16, 2019 and included on the Board’s official website, as amended.

SUMMARY: The proposed emergency rule waives the inspection deadlines regarding licensure and license compliance during the 90-day period for which the emergency rule is effective or for the duration of the public health emergency of the COVID-19 pandemic, whichever comes first. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Mary Schwantes, Director Board of Funeral, Cemetery, and Consumer Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

THE FULL TEXT OF THE EMERGENCY RULE IS:

69KER20-1 Licensure Compliance Regarding Inspection Deadlines.

For occasions when an on-site inspection is mandated, including licensure and change of establishment location, the deadline for completing the inspection is waived for 90 days from filing of this rule or for the duration of the public health emergency of the COVID-19 pandemic as declared by the Executive Branch of the State of Florida, whichever comes first. Once inspected, the applicant will have 30 days following the initial inspection to correct deficiencies, if any, noted during the inspection.

Rulemaking Authority 497.103(1), 497.380, 497.385, 497.604 FS. Law Implemented 497.380, 497.385, 497.604 FS. History—New, _____.

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

EFFECTIVE DATE: August 26, 2020

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice: that on August 27, 2020, the Southwest Florida Water Management District has issued an order granting a variance.

Petitioner's Name: Sexton-Harburg, LLC. - File Tracking No. 20-4317

Date Petition Filed: July 21, 2020

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought:
Lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register:
July 30, 2020

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting: Michael Bench, 7601 US Highway 301, Tampa, Florida 33637, 1(813)985-7481 x. 2298, water.variances@watermatters.org. (T2019047).

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-4.002 Ratification by Members of Bargaining Unit

NOTICE IS HEREBY GIVEN that on August 26, 2020, the Public Employees Relations Commission, received a petition for variance from Rule 60CC-4.002, F.A.C., from Steadman Stahl and the Dade County Police Benevolent Association, Inc. to allow the Dade County Police Benevolent Association, Inc. to conduct all aspects of a ratification election electronically. The petition was assigned Case No. MS-2020-061. Any interested person may submit written comments on this petition within 5 days of publication of this notice by mail to Commission Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by facsimile to (850)488-9704.

A copy of the Petition for Variance or Waiver may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle Northwest, Suite 300, Tallahassee, Florida 32303-7256 or by email to Barry.Dunn@perc.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-20.002 Experience

NOTICE IS HEREBY GIVEN that on August 19, 2020, the Board of Professional Engineers, received a petition for variance or waiver submitted by Karl Garrett Roth Lamm regarding subparagraphs 61G15-20.002(1)(b)2 and (2), F.A.C., regarding experience. Comments on this petition should be filed with the Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Zana Raybon, Executive Director, at the above address or telephone (850)521-0050 or by email: zraybon@fbpe.org.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: September 2, 2020, 10:00 a.m. ET; September 2, 2020, 2:00 p.m. ET

PLACE: September 2, 2020, 10:00 a.m.: Members of the public may join in from their computer, tablet or smartphone. If you want to watch the meeting, then you must pre-register at: <https://attendee.gotowebinar.com/register/4877592319671367691>, otherwise you may call in at (415)655-0052 and enter audio pin 499-689-937 to listen to the meeting.

and

September 2, 2020, 2:00 p.m.: Members of the public may join in from their computer, tablet or smartphone. If you want to watch the meeting, then you must pre-register at: <https://attendee.gotowebinar.com/register/5535875428779098123>, otherwise you may call in at (562)247-8422 and enter audio pin 654-431-909 to listen to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Two meetings for members of the North Florida Region of the Florida New Motor Vehicle Arbitration Board will be held via video teleconference. The purpose of these meetings is to test a new virtual platform that will be used to conduct arbitration hearings. No official business will be conducted at either meeting.

A copy of the agenda may be obtained by contacting: Ashley Kew at ashley.kew@myfloridalegal.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 3 days before the workshop/meeting by contacting: Ashley Kew at ashley.kew@myfloridalegal.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: Ashley Kew at ashley.kew@myfloridalegal.com.

DEPARTMENT OF LEGAL AFFAIRS

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

DATE AND TIME: September 3, 2020, 10:00 a.m.

PLACE: September 3, 10:00 a.m.: Members of the public may join in from their computer, tablet or smartphone. If you want to watch the meeting, then you must pre-register at: <https://attendee.gotowebinar.com/register/3548098043783082507>, otherwise you may call in at (562)247-8422 and enter audio pin 828-193-437 to listen to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting for members of the South Florida Region of the Florida New Motor Vehicle Arbitration Board will be held via video teleconference. The purpose of this meeting is to test a new virtual platform that will be used to conduct arbitration hearings. No official business will be conducted at the meeting. A copy of the agenda may be obtained by contacting: michelle.strosberg@myfloridalegal.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 3 days before the workshop/meeting by contacting: michelle.strosberg@myfloridalegal.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: michelle.strosberg@myfloridalegal.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Museum's Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 8, 2020, 1:00 p.m.

PLACE: Florida Agricultural Museum, 7900 Old Kings Rd N, Palm Coast, FL 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is an Insurance Committee Meeting.

A copy of the agenda may be obtained by contacting: Kara Hoblick at kara.hoblick@floridaagmuseum.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kara Hoblick at kara.hoblick@floridaagmuseum.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing,

he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kara Hoblick at kara.hoblick@floridaagmuseum.org.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NO.: **RULE TITLE:**

15A-5.0022 Administrative Hearing Procedures

The DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2020, 11:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles (the Department), virtual meeting. Any person interested in attending may contact danaauvil@flhsmv.gov.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting to discuss a Recommended Order resulting from an administrative hearing held pursuant to 15A-5.0022, F.A.C.

AGENDA:

Introductions and Opening Statements

Discussion and preparation of Recommended Order

A copy of the agenda may be obtained by contacting: Agenda included in notice of meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dana Auvil, 2900 Apalachee Parkway, Tallahassee, FL 32399, (850)617-2104, danaauvil@flhsmv.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 HIGHWAY SAFETY AND MOTOR VEHICLES

The DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2020, 1:00 p.m. – 2:00 p.m. ET

PLACE: THIS MEETING WILL BE HELD VIA GOTOMEETING. PLEASE SEE DIAL-IN INFO BELOW.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Motorist Modernization Advisory Board is meeting to receive an update on Phase 1 of the Motorist Modernization Program. System functionality and requirements will also be presented to the group for consideration and input.

AGENDA

- Roll Call
- Welcome
- Review and Approval of Last Meeting Minutes
- Stakeholder Outreach Update
- MM Phase I Program Update
- Organizational Change Management Update
- Financial Review
- Project Updates
- Communications Update
- Q&A
- Adjourn

Please join the meeting from your computer, tablet or smartphone, <https://global.gotomeeting.com/join/630034677>

You can also dial in using your phone: United States: (646)749-3129, United States (toll-free): 1(877)309-2073, Access Code: 630-034-677, Audio PIN: Shown after joining the meeting

A copy of the agenda may be obtained by contacting: The agenda is included above.

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: Terrence Samuel, 2900 Apalachee Parkway, Room D315, Tallahassee, FL 32399, (850)617-2100. 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 HIGHWAY SAFETY AND MOTOR VEHICLES

The DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2020, 2:30 p.m. – 4:00 p.m., ET

PLACE: THIS MEETING WILL BE HELD VIA GOTOMEETING. PLEASE SEE DIAL-IN INFO BELOW.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Motorist Modernization Advisory Board is meeting to discuss and provide guidance & recommendations on Phase 2 of the Motorist Modernization Program.

AGENDA

- Roll Call

- Welcome
- Review and Approval of Last Meeting Minutes
- IV&V Update
- Stakeholder Outreach Update
- MM Phase II Program Update
- Financial Review
- Project Updates
- Communications Update
- Q&A
- Adjourn

Please join the meeting from your computer, tablet or smartphone, <https://global.gotomeeting.com/join/630034677>

You can also dial in using your phone, United States: (646)749-3129, United States (toll-free): 1(877)309-2073, Access Code: 630-034-677, Audio PIN: Shown after joining the meeting

A copy of the agenda may be obtained by contacting: The agenda is included above.

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: Terrence Samuel, 2900 Apalachee Parkway, Room D315, Tallahassee, FL 32399, (850)617-2100. 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).

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a rescheduled prehearing conference and a rescheduled hearing in the following docket to which all persons are invited.

DOCKET NO. AND TITLE: 20190110-EI - Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Michael and approval of second implementation stipulation, by Duke Energy Florida, LLC.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED AT THE PREHEARING:

The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING DATE AND TIME: Tuesday, December 8, 2020, 9:30 a.m. and continuing through December 9, 2020, if needed.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED AT THE HEARING:

The purpose of this hearing is to consider the petitions submitted by Duke Energy Florida, LLC related to its storm-cost recovery for Hurricane Michael and Tropical Storm Alberto. The Commission may also consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow the parties to present evidence and testimony in support of their positions; (2) allow for such other purposes as the Commission may deem appropriate.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. This proceeding will be governed Chapter 366 in addition to Chapter 120, Florida Statutes, and Rules 25-22 and 28-106, Florida Administrative Code.

Interested persons may also request to be listed as an interested person for this docket, in which case they will receive notices and orders published and issued in the docket. Such requests should be made to: Florida Public Service Commission, Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

SPECIAL COVID-19 CONSIDERATIONS

Because the Governor of the State of Florida has declared a state of emergency due to the COVID-19 Pandemic, the Commission must limit the manner in which the public may participate or view the prehearing and hearing. As always, the public may view a live stream of the prehearing and hearing online using the link available at <http://www.floridapsc.com/Conferences/AudioVideoEventCoverage>. Due to these extraordinary circumstances, however, no member of the public may attend in person.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the hearing at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD).

EMERGENCY CANCELLATION OF HEARING

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.floridapsc.com>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

REGIONAL PLANNING COUNCILS**Tampa Bay Regional Planning Council**

The Tampa Bay Regional Planning Council's Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2020, 9:00 a.m.

PLACE: This will be a virtual meeting and held via Zoom. Persons wishing to participate in this meeting should use Zoom meeting link: <https://us02web.zoom.us/j/85866232049>, Meeting ID: 858 6623 2049, Call in number: (646)558-8656

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council's Agency on Bay Management

A copy of the agenda may be obtained by contacting: Wren Krahl, Wren@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, Wren@tbrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl, Wren@tbrpc.org.

REGIONAL PLANNING COUNCILS**South Florida Regional Planning Council**

The South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 21, 2020, 10:30 a.m.

PLACE: Virtual Meeting - "Go to Meeting" by the web or conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Comprehensive Plan Amendments received prior to the meeting; General Council Business

A copy of the agenda may be obtained by contacting: Administration at the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020, (954)924-3653, or sfadmin@sfrpc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Administration at the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020, (954)924-3653, or

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

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

For more information, you may contact: Administration at the South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020, (954)924-3653, or sfadmin@sfrpc.com.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Long-Term Care Ombudsman Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 25, 2020, 10:00 a.m. – 12:00 Noon ET

PLACE: Conference Call. 1(888)585-9008, Participant Passcode: 767-510-585

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Council Business

A copy of the agenda may be obtained by contacting: Dept of Elder Affairs / LTCOP, 4040 Esplanade Way, Tallahassee, Fl. 32399, or call: (850)414-2323, or email: ltcopinformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Long-Term Care Ombudsman Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 14, 2020, 10:00 a.m. – 10:45 a.m. ET

PLACE: Conference Call. 1(888)585-9008, Participant Passcode: 767510585

GENERAL SUBJECT MATTER TO BE CONSIDERED: Training & Education Committee Business

A copy of the agenda may be obtained by contacting: Dept of Elder Affairs / LTCOP, 4040 Esplanade Way, Tallahassee, Fl. 32399, or call: (850)414-2323, or email: ltcopinformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Long-Term Care Ombudsman Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 17, 2020, 11:00 a.m. – 11:45 a.m. ET

PLACE: Conference Call: 1(888)585-9008, Participant Passcode: 767510585

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recruitment, Retention, Recognition Committee Business

A copy of the agenda may be obtained by contacting: Dept of Elder Affairs / LTCOP, 4040 Esplanade Way, Tallahassee, Fl. 32399, or call: (850)414-2323, or email: ltcopinformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Long-Term Care Ombudsman Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 14, 2020, 3:00 p.m. – 4:00 p.m. ET

PLACE: Conference Call 1(888)585-9008, Participant Passcode: 767510585

GENERAL SUBJECT MATTER TO BE CONSIDERED: Advocacy Committee Business

A copy of the agenda may be obtained by contacting: Dept of Elder Affairs / LTCOP, 4040 Esplanade Way, Tallahassee, Fl. 32399, or call: (850)414-2323, or email: ltcopinformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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

DATE AND TIME: August 28, 2020

PLACE: Gotomeeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been cancelled (published July 28, 2020, vol. 46/146).

A copy of the agenda may be obtained by contacting: n/a

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2020, 10:30 a.m.

PLACE: <https://global.gotomeeting.com/join/564765493>

You can also dial in using your phone. United States: (224)501-3412, Access Code: 564-765-493

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tuesday, September 22, 2020, 10:30 a.m.: Application Review.

A copy of the agenda may be obtained by contacting: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Wednesday, September 16, 2020, 10:30 a.m.; Thursday, September 17, 2020, 9:00 a.m.; Friday, September 18, 2020, 10:30 a.m.

PLACE: You can also dial in using your phone. United States: (224)501-3412, Access Code: 564-765-493

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wednesday, September 16, 2020, 10:30 a.m.: Application Review; Thursday, September 17, 2020, 9:00 a.m.: Discipline and General Business; Friday, September 18, 2020, 10:30 a.m.: Probable Cause Panel - (Closed to the Public.)

A copy of the agenda may be obtained by contacting: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

The Board of Employee Leasing Companies announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 9, 2020, 10:00 a.m.

PLACE: <https://global.gotomeeting.com/join/356921061>

You can also dial in using your phone. United States (Toll Free): 1(866)899-4679, Access Code: 356-921-061

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

A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

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: Board of Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984. 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 Employee Leasing Companies, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

The Recreational Carrying Capacity Subcommittee of the Myakka River Management Coordinating Council announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2020, 9:30 a.m. – 11:00 a.m.

PLACE: This workshop will be conducted virtually via media technology free for the public to use. Please contact Daniel Alsentzer at (850)694-1538 or email FLStateParkPlanning@dep.state.fl.us to register for the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Council Business examining recreational use on the Myakka River as a Wild and Scenic River.

A copy of the agenda may be obtained by contacting: Chris Oliver, Division of Recreation and Parks, District 4 Administration, 1843 S. Tamiami Tr. Osprey, FL 34229 or by calling (941)882-7191.

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: Chris Oliver, (941)882-7191. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

DATE AND TIME: September 29, 2020, 2:00 p.m.

PLACE: webinar and telephone. The registration information for the workshop is posted to the following websites: <https://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2020/2020-206>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop will be held to solicit comments and suggestions from interested persons relative to Florida Housing's proposed RFA 2020-206 HOME Financing for the Construction of Small, Rural Developments

A copy of the agenda may be obtained by contacting: Joey Evans, (850)488-4197.

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: Joey Evans, (850)488-4197. 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.

GULF CONSORTIUM

The Gulf Consortium announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 31, 2020, 2:00 p.m. ET

PLACE: This meeting will be conducted exclusively via teleconference. Interested persons may participate by telephone via the following: Dial in Number (669)224-3217, Participant Passcode: 865-760-109

Interested persons who wish to participate may also contact Valerie Seidel at (407)629-2185 ext 104 or vseidel@balmoralgroup.us at least three (3) days in advance of the meeting to arrange for access to be provided to the teleconference at the following location: The Balmoral Group, 165 Lincoln Avenue, Winter Park, FL 32789

Please note that in light of the current situation surrounding the COVID-19 virus and to limit public gatherings in accordance with Federal and State directives, interested persons who wish to participate are encouraged to do so remotely via telephone, utilizing the contact information described above.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee of the Gulf Consortium will meet to discuss the status of grant applications and grants, review financials, 2021 calendar and the management contract, and conduct other business at the discretion of the committee.

A copy of the agenda may be obtained by contacting: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 3 days before the workshop/meeting by contacting: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us.

MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The H. Lee Moffitt Cancer Center & Research Institute announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2020, 3:00 p.m.

PLACE: 12902 Magnolia Drive, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance & Planning Committee.

A copy of the agenda may be obtained by contacting: Kathy McKinley, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: 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).

CITIZENS PROPERTY INSURANCE CORPORATION

The Citizens Property Insurance Corp. announces a public meeting to which all persons are invited.

DATE AND TIME: September 21, 2020, 1:00 p.m.

PLACE: Teleconference/Zoom Webinar

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citizens Property Insurance Corporation announces a Finance and Investment Committee Meeting to convene on September 21, 2020, 1:00 p.m. being held via conference call 1(888)788-0099, Participant Code: 948 9890 4895# and Zoom Webinar link available at <https://www.citizensfla.com/public-meetings>. Items of discussion include, but are not limited to, committee updates.

A copy of the agenda may be obtained by contacting: For additional information contact Barbara Walker, (850)513-3744, 2101 Maryland Circle Tallahassee, FL 32303, Barbara.walker@citizensfla.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Annual Membership meeting to be immediately followed by a Board of Governors announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 9, 2020, 10:00 a.m. Eastern Time

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include a 2019 overview with Q&A; approval of minutes; legal, legislative & regulatory matters; election of vice chair & officers; operations & financial reports; and committee reports on Audit Committee Charter procedures checklist; financial auditor engagement; investment marketplace update; portfolio compliance review; investment policy & guidelines review; investment manager engagement; 2021 reinsurance program; reinsurer financial strength ratings; reinsurance intermediary engagement; premium level indication; actuarial services engagement; policyholder dividend matters; Operations Manual; review of rates, rating plans & policy forms and associated matters to include application forms; office space; document management/retention matters; paid time off matters; preliminary 2021 Business Plan & Forecast; service provider audit results; and disaster recovery matters.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from inmate Teddy Stokes, DC# P09866. The petition seeks the agency's opinion as to the applicability of subsection 944.17(5), Florida Statutes, as it applies to the petitioner.

The petition seeks to resolve a controversy or answer questions or doubts regarding the interpretation and application of the above-referenced statute as it relates to the Department's statutory authority to obtain custody of inmates/prisoners and whether this custody constitutes a guardianship relationship. Persons whose substantial interests may be affected by a declaratory statement issued in this matter may file a motion to intervene or a petition for administrative hearing within twenty-one (21) days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Betty Renfroe, 501 South Calhoun Street, Tallahassee, Florida 32399, betty.renfroe@fdc.myflorida.com, (850)717-3605.

DEPARTMENT OF FINANCIAL SERVICES
Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has received the petition for declaratory statement from Evergreen ATM LLC dba GetCoins. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

On 8/24/2020, the Florida Office of Financial Regulation (Consumer Finance) received a Petition for Declaratory Statement from Evergreen ATM LLC dba GetCoins. The petition seeks a declaratory statement from the Office whether its business model (to sell virtual currency in the state of Florida via automated kiosk) falls under the Florida Money Transmitter Statute, Chapter 560, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

REGIONAL PLANNING COUNCILS

LEGAL NOTICE

REQUEST FOR LETTERS OF INTEREST AND STATEMENTS OF QUALIFICATIONS

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area (Metropolitan Transportation Planning Organization) desires that consultants qualified pursuant to law and regulations submit a Letter of Interest and Statement of Qualifications for professional services on the following project in Alachua County.

Project Name: Alachua Countywide Bicycle-Pedestrian Master Plan.

Description: Assist in this project by accomplishing the following tasks:

- Task 1- Public Involvement;
- Task 2- Data Collection, Mapping and Data Development;
- Task 3- Data Analyses;
- Task 4- Alachua Countywide Bicycle-Pedestrian Master Plan Facilities Needs Assessment; and
- Task 5- Alachua Countywide Bicycle-Pedestrian Master Plan Prioritized Project Lists, Implementation Plan and Final Report.

Qualification Requirements: Consultant must submit project experience demonstrating thorough knowledge of land use, environmental and transportation planning procedures and methods.

Response Evaluation: All respondents will be evaluated in accordance with subsection 287.055(4), Florida Statutes, and must be determined to be qualified to do business in Florida and qualified to perform the advertised work requirements.

Letter of Interest and Statement of Qualifications: Firms desiring consideration for this project must submit three (3) copies of their letter of interest and statement of qualifications to the requesting unit listed below. One of these copies must be a clean, single-side original in digital format that can be used to make additional copies and/or used for virtual meetings via communications media technology.

The letter of interest and statement of qualifications must demonstrate the expertise of the potential consultant, including its subconsultants, if any, to assist in the development of a bicycle-pedestrian master plan. Proposers shall provide a list of all communities that they have provided bicycle-pedestrian master plan consulting services. Proposers shall also demonstrate their experience in working to enhance bicycle networks, pedestrian networks and interconnectivity, including access to transit systems in growing mid-sized cities.

The letter of interest and statement of qualifications must, as a minimum, include the following information:

1. Name, address, contact person and phone number;
2. Listing of key staff and resumes;
3. Listing of any subconsultants anticipated to be used on this project;
4. An indication of the firm's potential (available staff resources) for additional work in the next 12 months;
5. Experience on similar type projects, including location, date completed, contact (reference) name and telephone number; and
6. Proof of professional liability insurance or letter of credit in accordance with Rule 14-75, Florida Administrative Code.

Letter of Interest and Statement of Qualification Deadline: September 25, 2020, 5:00 p.m. Eastern Daylight Savings Time. Late letters will be returned unopened with the notation, "This letter of interest and statement of qualifications was received after the delivery time designated for receipt and opening in the legal notice."

Requesting Response Address: Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, ATTENTION: Scott R, Koons, AICP, 2009 NW 67th Place, Gainesville, FL 32653-1603.

Faxed and e-mailed responses will not be accepted.

Shortlist Selection Process: From the letters of interest and statements of qualifications received, the Metropolitan Transportation Planning Organization's Technical Review Committee will shortlist a minimum of three (3) firms. The shortlist selection date is October 7, 2020.

Note: After completion of the shortlist process, at least three (3) firms will be requested to submit written proposals and make oral presentations. Consultant presentations will be made on November 30, 2020.

Estimated Project Budget for Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Tasks: \$100,000.

The Metropolitan Transportation Planning Organization reserves the right to accept or reject any and all responses.

Minority Business Enterprise and Disadvantaged Business Enterprise

Minority business enterprises and disadvantaged business enterprises are encouraged to apply.

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REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

Northeast Florida Regional Council

The Northeast Florida Regional Council is issuing a Request for Proposal (RFP) for a contractor(s) to provide marketing services to support the regional Healthcare Coalition Program. Specifics are more fully detailed in the RFP located on the webpage <http://www.nefrc.org>.

Respondents are required to submit a complete response to the RFP using the format provided in the submittal instructions. Each response must include two (2) hard copies and one (1) digital copy. All materials submitted become the property of the Northeast Florida Regional Council.

Questions should be submitted via email, addressed to DStarling@nefrc.org. All questions received by 4:00 p.m. by Friday, September 4, 2020 will be answered and posted on the webpage <http://www.nefrc.org>. No questions received after that date and time will be answered.

Respondents may not contact any member or staff of the Northeast Florida Regional Council, in any format, regarding this RFP from the date of advertisement until after the announcement of award. Violation of this requirement will be grounds for rejecting a response.

Response submission deadline is 3:00 p.m. Eastern Time Zone, Friday, September 18, 2020. Responses received after this date and time WILL NOT be considered.

Hand delivery, faxed and emailed responses to this RFP WILL NOT be accepted. Responses received after the deadline will be returned, unopened, with the notation "This RFP Response was received after the delivery time designated for receipt and opening in the legal notice."

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, August 21, 2020 and 3:00 p.m., Thursday, August 27, 2020.

Rule No.	File Date	Effective Date
2A-3.002	8/24/2020	9/13/2020

12AER20-9	8/21/2020	8/21/2020
12AER20-10	8/21/2020	8/21/2020
12AER20-11	8/21/2020	8/21/2020
12BER20-12	8/21/2020	8/21/2020
61G20-1.001	8/21/2020	12/31/2020
61G20-2.002	8/21/2020	9/10/2020
63F-13.002	8/21/2020	9/10/2020
64ER20-31	8/26/2020	8/26/2020
64ER20-32	8/26/2020	8/26/2020
64ER20-33	8/26/2020	8/26/2020
64B15-12.003	8/26/2020	9/15/2020
64B15-12.005	8/26/2020	9/15/2020
64B15-12.009	8/26/2020	9/15/2020
64B15-12.010	8/26/2020	9/15/2020
64B15-12.011	8/26/2020	9/15/2020
64B15-22.004	8/26/2020	9/15/2020
68A-15.004	8/24/2020	9/13/2020
68A-15.006	8/24/2020	9/13/2020
68A-17.004	8/24/2020	9/13/2020
68A-25.052	8/24/2020	9/13/2020
69KER20-1	8/26/2020	8/26/2020
LIST OF RULES AWAITING EPA APPROVAL PURSUANT TO SECTION 373.4146 (2), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
62-330.010	7/21/2020	**/**/****
62-330.050	6/26/2020	**/**/****
62-330.060	6/26/2020	**/**/****
62-330.090	6/26/2020	**/**/****
62-330.201	6/26/2020	**/**/****
62-330.340	6/26/2020	**/**/****
62-330.402	6/26/2020	**/**/****
62-331.010	7/21/2020	**/**/****

62-331.020	6/11/2020	**/**/****
62-331.030	6/11/2020	**/**/****
62-331.040	6/11/2020	**/**/****
62-331.050	6/11/2020	**/**/****
62-331.051	7/21/2020	**/**/****
62-331.052	7/21/2020	**/**/****
62-331.053	7/21/2020	**/**/****
62-331.054	7/21/2020	**/**/****
62-331.060	7/21/2020	**/**/****
62-331.070	6/11/2020	**/**/****
62-331.080	7/21/2020	**/**/****
62-331.090	7/21/2020	**/**/****
62-331.100	6/11/2020	**/**/****
62-331.110	7/21/2020	**/**/****
62-331.120	7/21/2020	**/**/****
62-331.130	6/11/2020	**/**/****
62-331.140	6/11/2020	**/**/****
62-331.160	7/21/2020	**/**/****
62-331.200	7/21/2020	**/**/****
62-331.201	7/21/2020	**/**/****
62-331.210	7/21/2020	**/**/****
62-331.211	6/11/2020	**/**/****
62-331.212	6/11/2020	**/**/****
62-331.213	6/11/2020	**/**/****
62-331.214	6/11/2020	**/**/****
62-331.215	7/21/2020	**/**/****
62-331.216	7/21/2020	**/**/****
62-331.217	7/21/2020	**/**/****
62-331.218	6/11/2020	**/**/****
62-331.219	6/11/2020	**/**/****
62-331.220	6/11/2020	**/**/****
62-331.221	6/11/2020	**/**/****

62-331.222	6/11/2020	**/**/****
62-331.223	6/11/2020	**/**/****
62-331.224	6/11/2020	**/**/****
62-331.225	7/21/2020	**/**/****
62-331.226	7/21/2020	**/**/****
62-331.227	6/11/2020	**/**/****
62-331.228	6/11/2020	**/**/****
62-331.229	7/21/2020	**/**/****
62-331.230	7/21/2020	**/**/****
62-331.231	7/21/2020	**/**/****
62-331.233	6/11/2020	**/**/****
62-331.234	6/11/2020	**/**/****
62-331.235	6/11/2020	**/**/****
62-331.236	6/11/2020	**/**/****
62-331.237	6/11/2020	**/**/****
62-331.238	6/11/2020	**/**/****
62-331.239	6/11/2020	**/**/****
62-331.240	7/21/2020	**/**/****
62-331.241	6/11/2020	**/**/****
62-331.242	7/21/2020	**/**/****
62-331.243	6/11/2020	**/**/****
62-331.244	6/11/2020	**/**/****
62-331.245	6/11/2020	**/**/****
62-331.246	6/11/2020	**/**/****
62-331.247	6/11/2020	**/**/****
62-331.248	7/21/2020	**/**/****

60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

Child Nutrition Program State Waiver Request

1. State agency submitting waiver request and responsible State agency staff contact information: Florida Department of Agriculture and Consumer Services (FDACS)

Lakeisha T. Hood, Director, (850)617-7438 or 1(800)504-6609, Lakeisha.Hood@FDACS.gov

Lisa Church, Bureau Chief of Child Nutrition Programs, (850)617-7413 Direct Line, Lisa.Church@FDACS.gov

2. Region: Southeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

The SFAs that would participate in this waiver are Florida Provision 2 breakfast and/or lunch operators that are NSLP and SBP sponsors in good standing who conducted a base year during school year (SY) 2019-2020. This waiver would directly impact 2 SFAs that experienced extended unanticipated school closures during SY2019-2020 while conducting a Provision 2 base year.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

Provision 2 base year calculations are derived from meal service participation by eligibility for each month during the base year. In Florida, monthly claims are annualized to generate eligibility claiming percentages which are applied to subsequent non-base year claims. Florida’s Commissioner of Education Richard Corcoran responded to the COVID-19 pandemic by recommending that all Florida public and private K-12 school campuses extend campus closures through the end of the SY2019-2020. The Provision 2 schools closed on March 16, 2020. As the pandemic continued, SBP and NSLP operations ceased for the remainder of the school year for all schools, including those establishing a base year.

For SFAs electing Provision 2, conducting a base year requires additional meal counting practices not required after the base year. Having to redo a base year because of unanticipated school closures that affected approximately 55 days of meal service at the end of a school year would create unnecessary administrative burden for sponsors. Being required to re-establish claiming percentages due to impacts of COVID-19 is

difficult during an already stressful time. If SFAs are unable to annualize claiming percentages based on existing data for SY2019-2020 and are required to re-establish a base year during SY2020-2021 they would be subject to base year data validation by the State agency (SA) during the ongoing pandemic. Establishing a base year during SY2020-2021 when closures may also be necessitated making the new base year data invalid. Many SFAs experienced increased costs to their meals service programs during the unanticipated school closures. Base year validation would require copious amounts of additional work load from SFAs since the SA would likely be conducting the validation process remotely. Documentation, including student applications and claims data, would have to be scanned and uploaded into a secure server location. The locations in Florida who are currently participating in Provision programs, may not have the staff to dedicated to the process that would require a staff person to scan the multiple two-sided scans applications for the schools if they have the access or the financial resources to procure the such technology solutions. The validation process would cause even greater burden for SFAs in this situation.

The SA seeks to solve the challenge of insufficient end of year claiming data by requesting a waiver to annualize the available valid claiming data for SFAs who had elected to establish a Provision 2 base year during SY2019-2020. An approved waiver would also help the SA improve services under the program by avoiding the potential burden of data validation if an SFA is faced with reduced claiming percentages that resulted from the unanticipated school closures. Expected outcomes of the waiver include reduced financial impact to Provision 2 school meal programs and reduced administrative burden for SFAs in communities where students benefit from implementation of Provision programs.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

FDACS requests a waiver to the requirements under 7 C.F.R.245.9(b)(3)(ii) in order to annualize base year calculations using only the months that participating children were counted and claimed by eligibility under SBP and/or NSLP meals prior to school closures due to COVID19. This impacts 2 LEAs that conducted a Provision 2 base year during SY2019-2020.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Standard meal counting and claiming operations were implemented from August 2019-March 2020, thus the majority

of the school year was not impacted by unanticipated school closures. As such, FDACS will annualize the existing claim data for SY2019-2020. There are is no major impacts on technology, State systems, or monitoring.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:

FDACS continues to provide SFAs with guidance on the current regulatory requirements of the National School Lunch and Breakfast Programs, under which virtual schools and home education programs are not eligible to participate.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

If approved, FDACS does not anticipate challenges with implementation of the waiver as it will reduce burdens and challenges to Provision 2 sponsors and SA staff by allowing SFAs to proceed with base year data calculated during unanticipated school closures due to COVID-19. It will allow the SA to proceed with establishing annual claiming percentages to be applied to non-base years using the available meal counts for the months that schools operated SBP and NSLP during SY2019-2020.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(1)(1)(A)(iii) of the NSLA]:

The establishment of this statewide waiver will not increase the overall cost to the Federal Government since SBP and/or NSLP meals would be reimbursed by the annualized Provision 2 percentages. There are no additional FDACS staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period: The waiver would need to be effective immediately as this would impact Provision 2 base year breakfast and/or lunch meals counted and claimed under SBP and/or NSLP during SY2019-2020. The waiver would allow the annualization of the base year data to be used during the Provision 2 cycle as approved by SA.

11. Proposed monitoring and review procedures:

FDACS will automatically calculate annual claiming percentages for use in non-base years for those sites that conducted a base year during SY2019-2020. The FDACS will continue to provide technical assistance and guidance to sponsors operating under Provision 2 as they navigate the COVID-19 outbreak.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

FDACS will report the number of sponsors and sites that used the waiver at the end of the calendar year.

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.
