

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NOS.:	RULE TITLES:
60Q-6.102	DEFINITIONS
60Q-6.106	CONSOLIDATION AND VENUE
60Q-6.110	MEDIATION, GENERALLY
60Q-6.111	AUTHORITY AND DUTIES OF MEDIATOR
60Q-6.112	DISQUALIFICATION OF MEDIATOR
60Q-6.116	PROSECUTION OF CLAIMS AND PETITIONS FOR BENEFITS
60Q-6.122	MOTION FOR RE-HEARING AND AMENDING OR VACATING ORDER

PURPOSE AND EFFECT: Procedural changes for adjudication of workers' compensation claims were implemented in 2003, pursuant to the mandate in section 440.45, Florida Statutes, that the Division of Administrative Hearings adopt procedural rules. It is necessary to amend the existing rules to incorporate changes that will improve the adjudicatory process based upon experience in utilizing the existing rules.

SUBJECT AREA TO BE ADDRESSED: The procedural rules applicable to workers' compensation adjudications before the judges of compensation claims.

RULEMAKING AUTHORITY: 440.45(1)(a), (4)
LAW IMPLEMENTED: 440.192(1), 440.25(1)-(4), 440.29(2), 440.33(1) 440.45(1)(a), (4)

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

DATE AND TIME: November 9, 2022; 3:00 p.m., EST, by Zoom conference at

PLACE:
<https://us02web.zoom.us/j/87602768814?pwd=d1dUZVRJdIArRIJFNHRVWVR6ZnhxZz09>
Meeting ID: 876 0276 8814
Passcode: 224336

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: Destiny Hattaway at 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; 850-488-9675; or destiny.hattaway@doah.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF

THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Loretta Sloan, Deputy Executive Director, at 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; (850)404-5442; or loretta.sloan@doah.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Q-6.102 DEFINITIONS

(1) through (13) No Change.

(14) “Venue” means the geographic district where the parties would gather for a non-virtual hearing or mediation.

(15) “Virtual” means any real-time interaction through a video and/or audio system.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.192(1), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14, 02-14-22, _____.

60Q-6.106 CONSOLIDATION AND VENUE

(1) No Change.

(2) Any motion to consolidate cases shall be filed in only the lowest-numbered case sought to be consolidated and shall be resolved by the judge to whom that case is assigned. Any consolidation of two or more cases shall thereafter be designated as consolidated under the lowest case number of those consolidated, unless another number is ordered by the assigned judge, and shall be assigned to the judge then assigned to that lowest case number.

(3) Proceedings in any venue may be conducted virtually, in the discretion of the assigned judge.

(4) ~~(3)~~ A motion to change venue shall be filed with the judge and shall contain the signature of the moving party, or, if represented, the party’s attorney of record.

(5) ~~(4)~~ When a judge assigned to a case determines that the case is proceeding in an improper ~~incorrect~~ venue, the judge may transfer the case to the proper venue, and the Deputy Chief Judge, upon request by that judge, shall reassign to a judge in the district where venue is proper. Alternatively, the assigned judge transferring the case may retain jurisdiction and conduct proceedings virtually or live in the proper venue. When transfer of venue occurs, the Deputy Chief Judge shall assign the case.

(6) ~~(5)~~ For accidents occurring outside of the state, the Deputy Chief Judge’s initial determination of venue may be changed by order of the assigned judge.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(d), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14, _____.

60Q-6.110 MEDIATION, GENERALLY

(1) All petitions and claims pending at the time a mediation conference is held are deemed consolidated and shall ~~will~~ be mediated at that conference.

(2) No Change.

(a) The Deputy Chief Judge shall assign a mediator and mediation date for each petition filed. The state mediation conference may be re-scheduled, within the 130-day statutory period, upon mutual request of the parties and agreement of the assigned mediator. The parties shall jointly review the mediator's calendar online to identify potential alternative dates and times before contacting the mediator with a request to reschedule. Within 40 days after the filing of the earliest petition for benefits awaiting mediation, the parties may agree to coordinate with the assigned judge an alternate state mediation date which meets the 130 day statutory deadline. Any such change in date shall be considered a re-scheduling and not a continuance of the mediation. Upon agreement of the parties, and approval of an alternate state mediator, mediation for the case may be transferred to the alternate state mediator provided any pending mediation is held within the 130-day statutory period. Permission of the mediator from whom it is transferred is not necessary. The alternate state mediator shall be responsible for placing the mediation on her/his calendar.

(b) ~~After the state mediation has been noticed on the 40th day following the filing of the earliest petition for benefits awaiting mediation, the state mediation shall not be continued, or transferred by the parties to an alternate state mediator, for a mediation beyond the 130-day statutory period, meaning moved to a date beyond the 130 day statutory period, unless first granted by the judge upon agreement of the parties or upon proper motion demonstrating that the basis for the continuance, or transfer, arises from circumstances beyond the movant's control or for other good cause shown. The motion shall be filed no later than 30 days before the date of the scheduled state mediation absent an emergency, unless the mediation notice is sent to the parties less than 30 days prior to the noticed mediation.~~

(c) Any party that moves for, or stipulates to, reassignment to an alternate mediator for the purpose of effectuating a live mediation shall attend that mediation live or the party's attorney shall attend live. No mediator shall allow telephonic attendance for any lawyer or party that has stipulated or moved for reassignment on the basis of facilitating a live mediation.

~~(e) The state mediation conference may be re-scheduled, within the 130 day statutory period, upon mutual request of the parties and agreement of the assigned mediator.~~

(d) Unless the signator appears live, digital signature software shall be used to execute mediation documents, including mediation conference reports and settlement agreements.

(e) ~~(d)~~ Parties to a workers' compensation claim may jointly request voluntary mediation services from the OJCC. Such requests will be considered as individual state mediator calendars permit. Any voluntary mediation will be conducted

only if all parties so stipulate. Any voluntary mediation will be governed by these rules. Failure to appear at a voluntary mediation shall not be a basis for the imposition of sanctions.

(3) No Change.

(4) If the parties resolve all issues, or all issues except for attorney's fees, prior to the scheduled mediation conference, the attorney or unrepresented claimant who has filed a petition for benefits shall file a pleading in order to cancel the corresponding mediation. The pleading must be filed prior to the scheduled mediation and shall indicate the manner in which each issue was resolved. The preparation and filing of this pleading are not the responsibility of the mediator.

(5) State mediations shall presumptively be conducted virtually on a video platform. The assigned mediator shall appear by video for video mediations. Unless the notice of mediation includes the login or call in information for the mediation, the assigned mediator is responsible for providing that information to all parties or counsel. The assigned mediator may allow telephonic appearance at any video mediation. The following persons shall attend the mediation conference: the claimant; the claims representative of the carrier/servicing agent, which representative must have full authority to resolve all the issues and/or settle the case; the employer, if uninsured; the insured or self-insured employer, if the employer/servicing agent does not have full authority to settle the issues; and the attorneys for the parties. The appearance of an attorney for a party does not dispense with the required video or live attendance of the party. No party shall appear at the mediation conference by telephone, whether mediation is live or virtual, unless such appearance is approved in advance by the mediator. Any party appearing by telephone has stipulated to be bound by that party's attorney of record's signature on the mediation report.

(a) The adjuster, if represented by counsel, may attend the live or virtual mediation by phone unless an objection is filed with the mediator on the basis of good cause. The parties may agree, in writing, that any party may appear telephonically. In the absence of such agreement, the mediator shall have discretion to allow any party and/or that party's attorney of record to appear at the live or virtual mediation conference by telephone, except as provided in (2)(c). The party requesting an appearance by telephone must furnish a upon the party's written request furnished to the mediator and the opposing party or, if represented, the party's attorney of record no fewer than five days prior to the mediation conference. The expense of telephonic attendance shall be borne by the person or party attending by telephone. Each party and attorney attending a virtual mediation is responsible to have adequate computer hardware, signal strength, internet bandwidth, and premises with/from which to attend mediation.

(b) Any person attending mediation telephonically or virtually shall provide an e-mail address for use in exchanging documents during the mediation ~~unless good cause is shown to the mediator at least five days prior to the mediation.~~ Any mediation, except when the outcome is an impasse, attended telephonically is not concluded until the signed agreement report is returned to the mediator. The signed agreement report shall be returned within 72 hours by the end of the business day unless excused by the mediator.

(c) Any party appearing telephonically or by audio-video communication technology has stipulated to be bound by that party's attorney of record's signature on the mediation report. The parties may not object to the enforceability of a mediation agreement on the ground that communication technology was used for participation in the mediation.

(6) No Change.

(7) Immediately following the conclusion of a mediation conference in an open OJCC case, the mediator, whether state, adjunct, or private, shall prepare a mediation agreement report stating which issues or claims in dispute are resolved and which remain unresolved. The mediation agreement report shall identify by filing date each petition mediated. In the case of private mediation, the claimant shall file with the judge within five business days of the mediation conference the mediator's mediation agreement report ~~and mediation settlement agreement, if any.~~ Signatures of the parties on the signed mediation report may be an original, electronic signature by means approved by the Chief Judge, or facsimile and signatures may be on different copies of the agreement report.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(1)-(4), 440.45(1)(a), (4) FS. History--New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14, 02-14-22, _____.

60Q-6.111 AUTHORITY AND DUTIES OF MEDIATOR

(1) No Change.

(a) No Change.

(b) The mediation shall be virtual unless the parties have received approval for a live mediation. Any party seeking a live mediation in a district office may request same from the assigned mediator no later than 30 days before the date of the scheduled state mediation. The mediator's decision to hold a live mediation may result in reassignment to a different mediator. Any request for non-virtual mediation in a location other than a district office shall be by motion directed to the Deputy Chief Judge.

(c) ~~(b)~~ The mediator may meet and consult privately with any party or parties or their counsel during the mediation.

(d) ~~(c)~~ Upon written request of any mediator, or upon a motion filed in the case and directed to the Deputy Chief Judge, the Deputy Chief Judge may reassign any mediation to accommodate conflict of interest or potential appearance of

impropriety. ~~Any party may also seek such reassignment through motion.~~

(2) through (4) No Change.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(1)-(4), 440.45(1)(a), (4) FS. History--New 2-23-03, Amended 11-1-06, 10-31-10, 11-10-14, _____.

60Q-6.112 DISQUALIFICATION OF MEDIATOR

Any party may, by motion, for good cause shown, request the Deputy Chief Judge judge to disqualify a mediator. The request must state with particularity the basis for disqualification. Any order disqualifying a mediator shall name a substitute mediator. Nothing in this rule shall preclude mediators from disqualifying themselves or refusing any assignment. A mediator disqualifying herself or himself, or refusing an assignment shall do so informally by electronic mail to the Deputy Chief Judge. Thereupon, the Deputy Chief Judge shall re-assign the case to another mediator.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.45(1)(a), (4) FS. History--New 2-23-03, Amended 02-14-22, _____.

60Q-6.116 PROSECUTION OF CLAIMS AND PETITIONS FOR BENEFITS

(1) through (3) No Change.

(4) The judge may conduct any proceedings using video teleconference equipment, platforms, or applications approved by the Deputy Chief Judge OJCC. In the event that testimony is taken by video teleconference, administration of the oath by the judge during the proceeding is as binding as if the judge and witness were physically present in the same room. A motion for an in-person hearing or mediation, instead of a video teleconference proceeding, may be granted upon a showing of good cause.

(5) No Change.

(6) Any attorney or unrepresented claimant who has filed a petition for benefits must file a pleading with the judge in order to cancel the corresponding final hearing. The pleading must be filed prior to the scheduled final hearing and shall indicate the manner in which each issue was resolved. Upon receipt of such cancellation pleading, the judge shall change the status of the affected petition or petitions in the OJCC database. Cases with no currently pending issues scheduled for mediation or hearing shall be reflected in the OJCC database as "inactive." Upon changing a case status from active to inactive, the OJCC central clerk shall issue an order documenting such status change. In the event such a change to "inactive" is erroneous, the assigned judge may issue an order vacating the prior order and restoring the case to "active."

(7) through (12) No Change.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4), 440.29(2), 440.33(1), 440.45(1)(a), (4) FS. History--New 2-

23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14, 02-14-22, _____.

60Q-6.122 MOTION FOR RE-HEARING AND AMENDING OR VACATING ORDER

(1) To preserve for appeal a challenge to the sufficiency of the Judge’s findings in a final order, a party must raise that issue in a motion for rehearing under this rule. A motion for re-hearing shall state specifically the grounds on which it is based and should not be used to re-argue issues already determined. A motion for re-hearing shall be filed and served within 10 days from the date of the order sought to be reviewed. The judge shall rule on the motion within 10 days of service. Any response to the motion shall be filed within five days of service of the motion. If the judge has not ruled by the close of business 10 days after service, the motion shall be deemed denied.

(2) through (6) No Change.

Rulemaking Authority 440.45(1)(a), (4) FS. Law Implemented 440.45(1)(a), (4) FS. History–New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12, 11-10-14, _____.

**Section II
Proposed Rules**

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69T-8.001	Authority
69T-8.004	Final Orders Required to be Indexed
69T-8.006	Numbering of Final Orders
69T-8.007	System for Indexing Final Orders
69T-8.008	Maintenance of Records
69T-8.009	Accessibility of Final Orders

PURPOSE AND EFFECT: The purpose and effect is to repeal unnecessary rules. The Office received a letter from the Joint Administrative Procedures Committee (JAPC) requesting the Office to review and advise as to the necessity of Rules 69T-8.001, 69T-8.004, 69T-8.006, 69T-8.007, Rule 69T-8.008, and 69T-8.009, F.A.C. Upon review, the Office determined that the rules were unnecessary, as section 120.53, F.S., no longer contained language that needed to be carried out or interpreted by the agency through rulemaking. Therefore, the rules are being repealed.

SUMMARY: The rules set forth the agency’s processes and procedures relating to the indexing, management, preservation, and availability of final orders and will be repealed as the rules are unnecessary.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2)

LAW IMPLEMENTED: 120.53, 288.99(14)(b), 494.0011(2), 516.23(3), 520.994(5), 537.016(3), 655.012(2)

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: Sheila Harley, (850)410-9716, sheila.harley@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69T-8.001 Authority.

Rulemaking Authority 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS. Law Implemented 120.53 FS. History–New 10-26-92, Formerly 3-8.001, Amended 5-15-07, Repealed _____.

69T-8.004 Final Orders Required to be Indexed.

Rulemaking Authority 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS. Law Implemented 120.53 FS. History–New 10-26-92, Formerly 3-8.004, Amended 5-15-07, Repealed _____.

69T-8.006 Numbering of Final Orders.

Rulemaking Authority 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS. Law Implemented 120.53 FS. History–New 10-26-92, Formerly 3-8.006, Amended 5-15-07, Repealed _____.

69T-8.007 System for Indexing Final Orders.

Rulemaking Authority 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS. Law Implemented 288.99(14)(b), 494.0011(2), 516.23(3), 520.994(5), 537.016(3), 655.012(2) FS. History–New 10-26-92, Formerly 3-8.007, Amended 5-15-07, Repealed _____.

69T-8.008 Maintenance of Records.

Rulemaking Authority 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS. Law Implemented 120.53 FS. History—New 10-26-92, Formerly 3-8.008, Amended 5-15-07, Repealed _____.

69T-8.009 Accessibility of Final Orders.

Rulemaking Authority 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS. Law Implemented 120.53 FS. History—New 10-26-92, Formerly 3-8.009, Amended 5-15-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gigi Holder

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:
69V-50.085 Disclosures Required by Section 520.07(3), F.S

PURPOSE AND EFFECT: The purpose and effect is to repeal an outdated rule. The Office received a letter from the Joint Administrative Procedures Committee (JAPC) regarding an outdated statutory citation contained within Rule 69V-50.085, F.A.C. Upon review, the Office determined the rule to be outdated and unnecessary as existing provisions in the rule are currently found in section 520.07, F.S.

SUMMARY: The rule sets forth certain requirements related to the placement of disclosure items required by Section 520.70(3), F.S., and is being repealed as it is outdated and unnecessary.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 520.994(5)

LAW IMPLEMENTED: 520.07(3)

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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-50.085 Disclosures Required by Section 520.07(3), F.S.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.07(3) FS. History—New 11-25-99, Formerly 3D-50.085, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.: RULE TITLES:
69V-160.030 Application Procedure for Consumer Finance License
69V-160.111 Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect is to amend existing rules to conform to and implement Chapter No. 2022-130, Laws of Florida, which was signed into law on May 23, 2022 and permits a consumer finance company applicant/licensee to meet certain conditions of licensure by providing documentation of a surety bond, certificate of deposit or letter of credit in lieu of evidence of \$25,000 in liquid assets. In addition, the amendments will remove the disciplinary guidelines as found in rule text and transfer the disciplinary guidelines provisions to a form incorporated by rule, change application withdrawal procedures, narrow the scope of material changes to pending applications, revise mitigating and aggravating factors considered in the determination of penalties, and incorporate forms.

SUMMARY: The amended rules will conform to and implement Chapter No. 2022-130, Laws of Florida, incorporate forms, change the procedure related to the withdrawal of a pending application, narrow the scope of material changes to pending applications, revise mitigating and aggravating factors considered in the determination of penalties; and remove penalty provisions found in the rule text and place the revised penalty provisions in the Disciplinary Guidelines for Consumer Finance Companies form (Form OFR-516-04).

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 516.03(1), 516.05(10), 516.22(1), 516.23(3)

LAW IMPLEMENTED: 516.03(1), 516.05, 516.05(1), 516.02, 516.031, 516.035, 516.05, 516.07, 516.08, 516.12, 516.15, 516.16, 516.17, 516.21, 516.31, 516.35, 516.36

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: Sheila Harley, Office of General Counsel, (850)410-9716, Sheila.Harley@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-160.030 Application Procedure for Consumer Finance License.

(1) Each person desiring to apply for licensure as a consumer finance company shall submit the following to the Office of Financial Regulation:

(a) A completed Application for Consumer Finance License, Form OFR-516-01, ~~revised 12/20/2007~~, which is ~~hereby~~ incorporated by reference in Rule 69V-160.039, F.A.C., and available on the Office's website at www.flofr.gov and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376;

(b) through (c) No change.

(d) Evidence that the applicant has liquid assets of at least \$25,000.00 for the operation of the consumer finance company. For the purposes of this rule "Evidence" means documentation from ~~a an insured~~ financial institution, as defined in s. 655.005(1)(i), F.S., that the liquid assets are on deposit with the institution. In lieu of providing evidence of liquid assets of at

least \$25,000.00, the applicant may provide any one of the documents listed in Section 516.05(10), F.S.

(2) through (3) No change.

(4) Amendments to Pending Applications. If the information contained in any application form for licensure as a consumer finance company, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days after the change on Form OFR-516-01, Application for Consumer Finance License. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days after receipt of the application by the Office of Financial Regulation. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes that are material to the application shall be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fees, shall be required. Material changes include:

(a) No change.

(b) Amendments adversely affecting the \$25,000.00 liquid asset, surety bond, certificate of deposit, or letter of credit requirement.

(5) Withdrawal of Application. An applicant may request withdrawal at any time during the pendency of an application by submitting a request to withdraw the application through the REAL System. of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) through (7) No change.

Rulemaking Authority 516.22(1), 516.23(3), 516.03(1), ~~516.05(10)~~ FS. Law Implemented 516.03(1), ~~516.05(4)~~, 516.05, 516.07 FS. History—New 12-18-88, Amended 5-9-90, 10-1-95, 1-5-00, Formerly 3D-160.030, Amended 12-20-07, 1-18-21, _____.

69V-160.111 Disciplinary Guidelines.

(1) Pursuant to ~~S~~section 516.07(2), F.S., Disciplinary Guidelines for Consumer Finance Companies, Form OFR-516-04, which is hereby incorporated by reference, effective XX-XXXX, available on the Office's website at www.flofr.gov and available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXX, are applicable to each ground for disciplinary action that may be imposed by the Office against a person for each act that is a violation of chapter 516, F.S. For the purpose of this rule and the disciplinary guidelines, the term "citation" means: a notice of noncompliance, reprimand, written agreement, or final order docketed by the agency that specifies a violation of chapter 516, F.S., or any rule promulgated under that chapter. ~~listed below is a range of disciplinary guidelines from which~~

disciplinary penalties will be imposed upon any person guilty of violating Chapter 516, F.S. The disciplinary guidelines are based upon a single act violation of each provision listed. Multiple acts of the violated provisions or a combination of violations may result in a higher penalty than that for a single, isolated violation. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation. Nothing in this rule shall preclude any discipline imposed upon a person pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the Office of Financial Regulation from issuing a letter of guidance when appropriate.

(2)(1) Consistent with the disciplinary guidelines contained in Form OFR-516-04, Disciplinary Guidelines for Consumer Finance Companies, the Office may issue: a notice of noncompliance; a written agreement which includes an administrative fine, but not adopted by a final order; orders to reprimand a licensee, orders to place a licensee on probation; orders restricting or applying conditions upon the issuance or maintenance of a license; orders to impose an administrative fine; and/or orders to suspend or revoke a license. As provided in section 516.07(2)(c), F.S., the Office of Financial Regulation may, in addition to other disciplinary penalties, place a licensee or applicant for a license on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Office of Financial Regulation may specify.

(a) For first citations identified in the disciplinary guidelines as minor violations, the Office shall issue a notice of noncompliance except when the Office identifies aggravating factors that would warrant a more severe penalty.

(b) For second citations identified in the disciplinary guidelines as minor violations, the Office may issue a written agreement which is not adopted by a final order imposing an administrative fine. Written agreements may be used only when the violations are limited to minor violations.

(2) The minimum penalty for all below listed sections is a reprimand and/or a fine up to \$1,000.00 per act. The maximum penalties are as listed:

(a) Section 516.02(3), F.S.	-	Probation
(b) Section 516.031, F.S.	-	Probation
(c) Section 516.035, F.S.	-	Probation
(d) Section 516.05(3), F.S.	-	Probation

(e) Section 516.05(4), F.S.	-	Probation
(f) Section 516.05(7), F.S.	-	Probation
(g) Section 516.07(1)(a), F.S.	-	Revocation
(h) Section 516.07(1)(b), F.S.	-	Suspension
(i) Section 516.07(1)(d), F.S.	-	Revocation
(j) Section 516.07(1)(e), F.S.	-	Revocation
(k) Section 516.07(1)(f), F.S.	-	Suspension
(l) Section 516.07(1)(g), F.S.	-	Probation
(m) Section 516.07(1)(h), F.S.	-	Revocation
(n) Section 516.07(1)(i), F.S.	-	Revocation
(o) Section 516.08, F.S.	-	Reprimand
(p) Section 516.12, F.S.	-	Revocation
(q) Section 516.15, F.S.	-	Probation
(r) Section 516.16, F.S.	-	Probation
(s) Section 516.17, F.S.	-	Probation
(t) Section 516.21, F.S.	-	Probation
(u) Section 516.31(3), F.S.	-	Probation
(v) Section 516.35, F.S.	-	Probation
(w) Section 516.36, F.S.	-	Probation

~~(3)(a) In accordance with Section 516.07, F.S., the Office shall consider the following circumstances in determining an appropriate penalty within the range of penalties prescribed in the disciplinary guidelines for each violation. The Office shall also consider the circumstances when determining whether a deviation from the range of penalties in the disciplinary guidelines is warranted: In the presence of aggravating or mitigating circumstances supported by clear and convincing evidence, the Office of Financial Regulation shall be entitled to deviate from the above guidelines in imposing discipline upon a person.~~

~~(b) Aggravating or mitigating circumstances may include, but are not limited to, the following:~~

- ~~1. The severity of the act.~~
- ~~2. The degree of harm to the consumer or public.~~
- ~~3. The number of times the acts previously have been committed by the person.~~
- ~~4. The disciplinary history of the person.~~
- ~~5. The status of the person at the time the act was committed.~~

~~(a) The following circumstances are considered mitigating factors which will be used to reduce the penalty:~~

- ~~1. The violation rate is less than 5% when compared to the overall sample size reviewed;~~
- ~~2. No prior citation by the Office against the consumer finance company or a control person of the consumer finance company within the past 10 years;~~
- ~~3. The consumer finance company detected and voluntarily instituted corrective action or measures to avoid the recurrence of the violation prior to the detection and intervention by the Office;~~
- ~~4. The violation is attributable to a single person or employee, and the consumer finance company removed or otherwise disciplined the individual prior to detection or intervention by the Office;~~
- ~~5. The consumer finance company provided substantial assistance to the Office in its examination or investigation of the underlying misconduct, or whether the respondent attempted to impede or delay Office’s examination or investigation, to conceal or withhold information from the Office, or to provide incomplete, inaccurate or misleading testimony or documentary information to the Office;~~
- ~~6. The consumer finance company self-reported the violation to the Office prior to examination or discovery by the Office; or~~
- ~~7. Other relevant, case-specific circumstances.~~

~~(b) The following circumstances are considered aggravating factors which will be used to increase the penalty:~~

- ~~1. The violation rate is more than 95% when compared to the overall sample size reviewed (sample size must be equal to~~

or greater than 50 transactions and cover a date range of at least 6 months);

2. There is a potential for harm to customers or the public;
3. Prior citations by the Office against the consumer finance company or a control person of the consumer finance company within the past 5 years which contain the same violations;
4. The violation was the result of willful misconduct or recklessness;
5. The consumer finance company or a control person of the consumer finance company attempted to conceal the violation or mislead the Office; or
6. Other relevant, case-specific circumstances.

(4) The list of violations cited in the disciplinary guidelines is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by chapter 516, F.S.

(5) The ranges for administrative fines imposed by the disciplinary guidelines are \$100 to \$350 for an “A” level fine; \$350 – \$750 for a “B” level fine; and \$750 – \$1,000 for a “C” level fine.

(6) The ranges for suspension imposed by the disciplinary guidelines are 3 to 10 days for an “A” level suspension; 11 to 20 days for a “B” level suspension; and 21 to 30 days for a “C” level suspension.

Rulemaking Authority 516.23(3) FS. Law Implemented 516.02, 516.031, 516.035, 516.05, 516.07, 516.08, 516.12, 516.15, 516.16, 516.17, 516.21, 516.31, 516.35, 516.36 FS. History—New 3-20-91, Formerly 3D-160.111, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory C. Oaks
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2022

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.: RULE TITLES:
69V-160.038 Liquid Assets, Letter of Credit, and Surety Bond

69V-160.039 Adoption of Forms

PURPOSE AND EFFECT: The purpose and effect is to create new rules to conform to and implement Chapter No. 2022-130, Laws of Florida, which was signed into law on May 23, 2022. The legislation permits a consumer finance company applicant/licensee to meet certain conditions of licensure by providing documentation of a surety bond, certificate of deposit or letter of credit in lieu of evidence of \$25,000 in liquid assets.

The new rules will allow for the incorporation and adoption of forms to implement the provisions of chapter 516, F.S.

SUMMARY: The new rules will conform to and implement Chapter No. 2022-130, Laws of Florida, by setting forth the processes and procedures related to the submission of a letter of credit, surety bond, or certificate of deposit. The new rules will allow for the incorporation and adoption of forms to implement the provisions of chapter 516, F.S.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 516.03, 516.05, 516.22, 516.22(1)

LAW IMPLEMENTED: 516.03, 516.05, 516.07

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: Sheila Harley, Office of General Counsel, (850)410-9716, Sheila.Harley@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-160.038 Liquid Assets, Letter of Credit, and Surety Bond.

(1) A consumer finance licensee must at all times maintain liquid assets in the amount of \$25,000, on deposit with the institution and held solely for the purpose of licensure. In lieu of liquid assets, one of the following alternative collateral devices may be maintained:

(a) A certificate of deposit pledged to the Office in the amount of \$25,000 for this location. The certificate of deposit must be deposited in a financial institution as defined in s. 655.005(1)(i), Florida Statutes. An original of Form OFR-516-

03, incorporated by reference in Rule 69V-160.039, F.A.C., must be submitted to the Office.

(b) An irrevocable letter of credit in the amount of \$25,000 for this location. The irrevocable letter of credit must be issued by a financial institution as defined in s. 655.005(1)(i), Florida Statutes.

(c) A surety bond in the amount of at least \$25,000. A consumer finance company with at least one currently licensed location must provide to the Office a rider or surety bond in an amount of at least \$5,000 for each additional license. However, the aggregate amount of the surety bond required for a consumer finance company with multiple licenses may not exceed \$100,000. The surety bond or rider must be issued by a bonding company or insurance company authorized to do business in this state. An original of Form OFR-516-02, incorporated by reference in Rule 69V-160.039, F.A.C., must be submitted to the Office.

Rulemaking Authority 516.22(1) FS. Law Implemented 516.05, 516.07 FS. History—New.

69V-160.039 Adoption of Forms.

(1) The following forms are incorporated by reference and adopted by this rule for the purposes of Rules 69V-160.001-.111, F.A.C.:

(a) Application for Consumer Finance Company License, Form OFR-516-01, effective XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(b) Consumer Finance Company Surety Bond Form, Form OFR-516-02, effective XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(c) Consumer Finance Company Pledge Agreement, Form OFR-516-03, effective XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(2) All forms adopted by this rule are available on the Office’s website at www.flofr.gov and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 516.03, 516.05, 516.22 FS. Law Implemented 516.03, 516.05 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory C. Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2022

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.: RULE TITLES:

69V-559.1012 Adoption of Forms

69V-559.300 Net Worth and Bond, and Liquid Assets

PURPOSE AND EFFECT: The purpose and effect is to amend existing rules to conform to and implement Chapter No. 2022-130, Laws of Florida, which was signed into law on May 20, 2022. The legislation permits a Financial Technology Sandbox licensee/applicant offering a financial product or service related to a consumer finance loan to meet certain conditions of licensure by providing documentation of a surety bond, certificate of deposit or letter of credit in lieu of evidence of \$25,000 in liquid assets. The amendments will incorporate new forms, revise old forms, and correct grammatical errors.

SUMMARY: The amended rules will conform to and implement the provisions of Chapter No. 2022-130, Laws of Florida, related to conditions of licensure by revising rule text, revising and re-incorporating certain existing forms, and by incorporating new forms. In addition, the amendments will correct grammatical errors.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 559.952(5), 559.952(8), 559.952(11)(a)

LAW IMPLEMENTED: 559.952(4), 559.952(4)(a), 559.952(5), 559.952(7)(a), 559.952(7)(b), 559.952(8), 559.952(9), 559.952(11)(a)

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: Sheila Harley, Office of General Counsel, (850)410-9716, Sheila.Harley@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-559.1012 Adoption of Forms.

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

(a) Application for Licensure as a Financial Technology Sandbox Innovator, Form OFR-559-FTS-001, effective XX-XXXX 01/2021, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-12627>.

(b) through (d) No change.

(e) Financial Technology Sandbox Innovator (Money Services Business) Pledge Agreement, Form OFR-559-FTS-005, effective XX-XXXX 01/2021, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-12585>.

(f) Financial Technology Sandbox Innovator (Money Services Business) Surety Bond, Form OFR-559-FTS-006, effective XX-XXXX 01/2021, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-12586>.

(g) No change.

(h) Financial Technology Sandbox Innovator (Consumer Finance) Surety Bond, Form OFR-559-FTS-009, effective XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(i) Financial Technology Sandbox Innovator (Consumer Finance) Pledge Agreement, Form OFR-559-FTS-010, effective XX-XXXX, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(2) No change.

Rulemaking Authority 559.952(5), 559.952(8), 559.952(11)(a) FS. Law Implemented 559.952(4)(a), 559.952(5), 559.952(7)(a), 559.952(7)(b), 559.952(8), 559.952(9), 559.952(11)(a) FS. History—New 1-18-21, Amended _____.

69V-559.300 Net Worth, and Bond, and Liquid Assets.

(1) A licensee offering products or services under Chapter 560, F.S., must maintain a minimum net worth at all times. The minimum net worth amount is determined based on the maximum number of consumers as authorized by the Office to receive the innovative financial product or service. See table below to determine the minimum amount of net worth:

Total Number of Consumers	Required
Amount of Net Worth	

0 – 7,500	\$25,000
7,501 – 15,000	\$50,000
15,001 – 20,000	\$75,000
20,001 – 25,000	\$100,000

(2) A licensee offering products or services under Chapter 560, F.S., must maintain a surety bond or alternative security device at all times. Only alternative security devices allowed in Section 560.209, F.S., may be substituted for a surety bond. See table below to determine the minimum amount of surety bond or alternative security device:

Total Number of Consumers	Required
Minimum Amount	
0 – 7,500	\$75,000
7,501 – 15,000	\$150,000
15,001 – 20,000	\$200,000
20,001 – 25,000	\$250,000

(3) A licensee offering products or services under chapter 516, F.S., must provide evidence from an insured financial institution that the liquid assets in the amount of \$25,000 are on deposit with the institution and held solely for the purpose of licensure. In lieu of liquid assets, one of the following alternative collateral devices may be submitted with the application:

(a) A certificate of deposit pledged to the Office in the amount of \$25,000 for this location.

The certificate of deposit must be deposited in a financial institution as defined in s. 655.005(1)(i), Florida Statutes. An original of Form OFR-559-FTS-010, incorporated by reference in Rule 69V-559.1012, F.A.C., must be submitted to the Office with the application.

(b) An irrevocable letter of credit in the amount of \$25,000 for this location. The irrevocable letter of credit must be issued by a financial institution as defined in s. 655.005(1)(i), Florida Statutes.

(c) A surety bond in the amount of at least \$25,000. A consumer finance company with at

least one currently licensed location must provide to the Office a rider or surety bond in an amount of at least \$5,000 for each additional license. However, the aggregate amount of the surety bond required for a consumer finance company with multiple licenses may not exceed \$100,000. The surety bond or rider must be issued by a bonding company or insurance company authorized to do business in this state. An original of Form OFR-559-FTS-009, incorporated by reference in Rule 69V-559.1012, F.A.C., must be submitted with the application. Rulemaking Authority 559.952(11)(a) FS. Law Implemented 559.952(4), 559.952(9), 559.952(11)(a) FS. History—New 1-18-21, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory C. Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2022

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:	RULE TITLES:
69V-560.1000	Disciplinary Guidelines
69V-560.1012	Adoption of Forms
69V-560.102	Application or Appointment Procedures and Requirements
69V-560.1021	Effect of Law Enforcement Records on Applications for Money Services Business Licensure
69V-560.704	Records to Be Maintained by Check Cashers

PURPOSE AND EFFECT: The purpose and effect is to amend existing rules to conform to and implement Chapter No. 2022-135, Laws of Florida, which was signed into law on May 25, 2022 and newly defines the term “control person.” In addition, the amended rules will change certain penalty provisions found in incorporated material, revise old forms, and correct grammatical errors.

SUMMARY: The amended rules will conform to and implement Chapter No. 2022-135, Laws of Florida, by incorporating the newly defined term in rule text and incorporated materials. In addition, the amended rules will change certain penalty provisions found in Form OFR-560-09, Disciplinary Guidelines for Money Services Businesses, revise old forms, and correct grammatical errors.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 215.405, 560.105, 560.1141, 560.118, 560.126, 560.141, 560.2085, 560.209, 560.310, 560.403

LAW IMPLEMENTED: 112.011, 560.112, 560.109, 560.1092, 560.1105, 560.111, 560.113, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.1401, 560.141, 560.143, 560.1235, 560.204, 560.205, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406, 943.053

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: Sheila Harley, Office of General Counsel, (850)410-9716, Sheila.Harley@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1000 Disciplinary Guidelines.

(1) Pursuant to Section 560.1141, F.S., disciplinary guidelines applicable to each ground for disciplinary action that may be imposed by the Office against a person for a violation of Chapter 560 F.S., are hereby adopted. The disciplinary guidelines are contained in “Office of Financial Regulation, Division of Consumer Finance, Form OFR-560-09, Disciplinary Guidelines for Money Services Businesses, which is hereby incorporated by reference, effective ~~XX-XXXX+1/2019~~ XX-XXXX ~~1/2019~~. A copy of the disciplinary guidelines is available on the Office’s website at www.flofr.gov and <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-11317~~. For the purpose of this rule and the disciplinary guidelines, the term “citation” means: a notice of non-compliance; written agreement; or final order docketed by the agency that specifies a violation of Chapter 560, F.S., or any rule promulgated under that chapter.

(2) No change.

(3) In accordance with Section 560.1141, F.S., the Office shall consider the following circumstances in determining an appropriate penalty within the range of penalties prescribed in the disciplinary guidelines for each violation. The Office shall also consider the circumstances when determining whether a deviation from the range of penalties in the disciplinary guidelines is warranted:

(a) The following circumstances are considered mitigating factors which will be used to reduce the penalty:

1. No change.

2. No prior citation by the Office against the money services business or control person ~~of with a controlling interest in~~ the money services business within the past 10 years;

3. through 6. No change.

(b) The following circumstances are considered aggravating factors which will be used to increase the penalty:

1. through 2. No change.

3. Prior citations by the Office against the money services business or control person ~~of with a controlling interest in~~ the money services business within the past 5 years which contain the same violations;

4. No change.

5. The money services business or control person ~~of with a controlling interest in~~ the money services business attempted to conceal the violation or mislead the Office; or

6. No change.

(4) The list of violations cited in the disciplinary guidelines is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Chapter 560, F.S.

(5) through (6) No change.

Rulemaking Authority 560.105, 560.1141 FS. Law Implemented 560.109, 560.1092, 560.1105, 560.111, 560.113, ~~561.113~~, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406 FS. History—New 6-7-09, Amended 11-28-19, _____.

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective ~~XX-XXX January 2, 2014~~, amended January 2, 2014, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01231~~.

(b) No change.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective ~~XX-XXXX January 13, 2009~~, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective ~~XX-XXXX January 13, 2009~~, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(e) through (f) No change.

(g) Security Device Calculation Form, Form OFR-560-07, effective ~~XX-XXXX October 18, 2009~~, and available at

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

(h) through (k) No change.

(2) All forms adopted by this rule are available on the Office’s website at www.flofr.gov and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 215.405, 560.105, 560.118, 560.126, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.126, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History–New 1-13-09, Amended 10-18-09, 3-16-11, 5-29-12, 1-2-14, 11-28-19,_____.

69V-560.102 Application or Appointment Procedures and Requirements.

(1) Applications for money service business licenses must be made in accordance with the provisions of Sections 560.1401, 560.141, and 560.143, F.S. Further, applications for a money services business license involving payment instrument sales or money transmission must also comply with Section 560.205, F.S. The application form for applying hereunder is Application for Licensure as a Money Services Business, OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C.

(2) through (4) No change.

(5) Amendments to Pending Applications. If the information contained in any application form for licensure as a money services business, or in any amendment thereto, becomes inaccurate for any reason, the applicant shall promptly file an amendment correcting such information on Form OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. The Office will grant permission to amend the application, unless the amendment constitutes a material change to the application. Requests to make changes which are material to the application will be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, will be required. Material changes include:

(a) No change

(b) The substitution or addition of a control person ~~director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, responsible person, or controlling shareholder;~~

(c) through (e) No change.

Rulemaking Authority 560.105, 560.118, 560.209, 560.403 FS. Law Implemented 560.1401, 560.141, 560.143, 560.1235, 560.204,

560.205, 560.209, 560.303, 560.403, 943.053 FS. History–New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07, 6-17-08, 12-25-08, 1-13-09, 1-2-14, 11-28-19,_____.

69V-560.1021 Effect of Law Enforcement Records on Applications for Money Services Business Licensure.

(1) Definitions. For purposes of this rule:

(a) “Relevant persons” means each control person ~~officer, director, responsible person, compliance officer, or controlling shareholder~~ of the money services business applicant, ~~and any other person who has a controlling interest in the money services business applicant as provided in Section 560.127, F.S.~~ If the applicant is a natural person, he or she is the relevant person under this rule.

(b) No change.

(2) through (19) No change.

Rulemaking Authority 560.105 FS. Law Implemented 112.011, 560.114, 560.1401, 560.141 FS. History–New 4-16-09, Amended_____.

69V-560.704 Records to Be Maintained by Check Cashers.

(1) For purposes of this rule the term:

(a) No change.

(b) The phrase “its own commercial account” as referenced in Section 560.309(3), F.S., means a depository account in a federally insured financial institution listing the licensee as the exclusive owner of the account. The authorized signatories ~~must be a control person as defined in Section 560.103(10), F.S. have a controlling interest as described in Section 560.127, F.S.~~ A licensee may not grant, through power of attorney, written agreement, or any other means, another person access to its own commercial account to withdraw, withhold, or deposit money.

(2) through (5) No change.

Rulemaking Authority 560.105, 560.310 FS. Law Implemented 560.1105, 560.310 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.704, Amended 1-13-09, 10-12-15, 1-6-20,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Gregory C. Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2022

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DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: 69V-560.7031
 RULE TITLE: Records to be Maintained when Engaged in Transactions Involving Virtual Currency

PURPOSE AND EFFECT: The purpose and effect is to create a new rule to conform to and implement Chapter No. 2022-113, Laws of Florida, which was signed into law on May 12, 2022. The legislation grants specific rulemaking authority permitting the creation of rules relating to the recordkeeping requirements of transmissions involving virtual currency. The new rule will implement the virtual currency recordkeeping requirements found in chapter 560, Florida Statutes.

SUMMARY: The new rule will implement the virtual currency recordkeeping requirements found in chapter 560, Florida Statutes.

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 Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 560.105, 560.1105, 560.2085, 560.211

LAW IMPLEMENTED: 560.1105, 560.2085, 560.211

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: Sheila Harley, Office of General Counsel, (850)410-9716, Sheila.Harley@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.7031 Records to be Maintained when Engaged in Transactions Involving Virtual Currency.

(1) In addition to the records required in Rule 69V-560.703, F.A.C., the following information must be maintained

and made available to the Office upon request, for each transmission involving virtual currency:

(a) The type of virtual currency (i.e. – bitcoin, ethereum, ripple, etc.)

(b) The method of payment, if the transaction included the purchase of virtual currency.

(c) The date the transmission was completed or received by the intended recipient.

(d) Any fees charged to the customer including applicable exchange rates at the time the transaction was initiated.

(e) The name of the entity who hosted the sender’s wallet, if hosted.

(f) The name of the entity who hosted the recipient’s wallet, if hosted.

Rulemaking Authority 560.105, 560.1105, 560.2085, 560.211 FS. Law Implemented 560.1105, 560.2085, 560.211 FS. History–New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2022

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.: 69W-200.001, 69W-200.002
 RULE TITLES: Definitions, General Industry Standards Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect is to amend the existing rules to incorporate by reference the current versions of general industry standards and update cross-references and to clarify the definition of “associated person” as it relates to the SEC’s cash solicitation rule.

SUMMARY: The proposed amended rules amend the existing rules to incorporate by reference the current versions of general industry standards and update cross-references and clarify the definition of “associated person” as it relates to the SEC’s cash solicitation rule.

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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: 517.03, 517.1215, 517.1217 FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.1215, 517.1217, 517.161 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: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-200.001 Definitions

As used in the Rules and Regulations of the Financial Services Commission and Office of Financial Regulation, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) through (5) no change.

(6)(a) “Associated person” as defined in Section 517.021(2), F.S., shall include any person who for compensation refers, solicits, offers, or negotiates for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Office of Financial Regulation as an associated person pursuant to Section 517.12(1) or (4), F.S.

(b) No change.

(c) A natural Any person receiving compensation from a federal covered adviser or an investment adviser acting in compliance with S.E.C. Rule 206(4)-1 (17 C.F.R. §275.206(4)-1) 206(4)-3 (17 C.F.R. §275.206(4)-3), which is incorporated by reference in Rule 69W-200.002, F.A.C., shall not be deemed an associated person of such an investment adviser or federal covered adviser.

(7) through (30) No change.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended 5-15-07, 9-30-10, 11-11-13, 9-22-14, 11-15-16, 1-18-21,_____.

69W-200.002 General Industry Standards Incorporated by Reference.

The following general industry standards as expressed in the statutes, rules and regulations of the various federal and self-regulatory agencies and regulatory associations and referenced in Division 69W, F.A.C., are hereby incorporated by reference and adopted by this rule. The material incorporated by reference in this rule may also be obtained from the Florida Office of Financial Regulation (Office), Division of Securities’ website at <https://flofr.gov/sitePages/MaterialsDS.htm>, except where noted for copyright restrictions. Materials subject to copyright restrictions may be inspected and examined by contacting the Florida Office of Financial Regulation, Division of Securities, at 200 E. Gaines Street, Tallahassee, Florida 32399, (850)487-9687 or the Florida Department of State at 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6500.

(1) through (2) No change.

(3) Securities Exchange Act of 1934 (15 U.S.C. §§78a through 78qq) (4-12-22 ~~(4-3-19)~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-11283>.

(4) through (12) No change.

(13) Regulation S-X (17 C.F.R. Part 210) (4-1-21 ~~4-1-18~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-11288>.

(14) SEC Rules 134, 134a, 135a, 144, 156, 419, 481 and 482, (17 C.F.R. §§230.134, 230.134a, 230.135a, 230.144, 230.156, 230.419, 230.481 and 230.482) (4-1-21 ~~4-1-13~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-04557>.

(15) SEC Rule 144A (17 C.F.R. §230.144A(a)) (4-1-21 ~~9-23-13~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-04521>.

(16) Regulation A (17 C.F.R. §§230.251 through 230.263) (4-1-21 ~~4-1-20~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-12527>.

(17) SEC Rule 415 (17 C.F.R. §230.415) (4-1-21 ~~4-1-18~~ edition as amended in 87 F.R. 70166, 70199 (Dec. 9, 2021)), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-11290>.

(18) SEC Rule 501(a) of Regulation D (17 C.F.R. §230.501(a) (4-1-21 edition ~~4-1-18 Edition~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-11291>.

(19) through (25) No change.

(26) SEC Rules 15c2-1, 15c2-4, 15c2-5, 15c2-7, 15c2-8, 15c2-11, and 15c2-12 (17 C.F.R. §§240.15c2-1, 240.15c2-4, 240.15c2-5, 240.15c2-7, 240.15c2-8, 240.15c2-11, and 240.15c2-12) (4-1-21 ~~4-1-20~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12529>.

(27) No change.

(28) SEC Rule 15c3-3 and Exhibit A (17 C.F.R. §§240.15c3-3 and 240.15c3-3a) (4-1-21 ~~4-1-14~~ edition) and ~~240.15c3-3a~~ (7-7-14)), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04573>.

(29) SEC Rules 15g-1 through 15g-6, 15g-8, and 15g-9 (17 C.F.R. §§240.15g-1 through 240.15g-6, 240.15g-8 and 240.15g-9) (4-1-21 ~~4-1-18~~ edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-11293>.

(30) through (33) No change.

(34) Regulation M (17 C.F.R. §§242.100 through 242.105) (4-1-21 ~~4-1-20~~ edition as amended in 86 F.R. 18596, 18809 (Apr. 9, 2021)), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12533>.

(35) Regulation SHO (17 C.F.R. §§242.200-242.203) (4-1-21 ~~4-1-20~~ edition as amended in 86 F.R. 18596, 18809 (Apr. 9, 2021)), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12534>.

(36) through (37) No change.

(38) SEC Rules 204-1, 204-2, 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1, ~~206(4)-3~~ (17 C.F.R. §§275.204-1; 275.204-2; 275.204-3; 275.205-1; 275.205-2; 275.205-3; 275.206(3)-1; 275.206(3)-2; 275.206(4)-1; ~~275.206(4)-3~~) (4-1-21 ~~4-1-20~~ edition as amended in 86 FR 13024, 13138-13142 (Mar. 5, 2021) and 87 F.R. 22444, 22447 (Apr. 15, 2022)), accessible at

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

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12535>.

(39) No change.

(40) FINRA Rules 1020 and 1240 (existing as of ~~5-9-22 6-26-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12537>.

(41) FINRA Rule 2000 Series (2010 through 2370) (existing as of ~~5-9-22 6-24-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12540>.

(42) FINRA Rule 3000 Series (3110 through 3310) (existing as of ~~5-9-22 6-24-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12541>.

(43) FINRA Rule 4000 Series (4110 through 4590) (existing as of ~~5-9-22 6-24-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12542>.

(44) FINRA Rule 5000 Series (5110 through 5350) (existing as of ~~5-10-22 6-24-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12543>.

(45) FINRA Rule 6000 Series (6110 through 6898) (existing as of ~~5-10-22 6-25-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12544>.

(46) FINRA Rule 7000 Series (7110 through 7730) (existing as of ~~5-11-22 6-25-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12545>.

(47) FINRA Rule 11000 Series (11100 through 11900) (existing as of ~~5-11-22 6-26-20~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12546>.

(48) MSRB Definitional Rules D-1 to D-15, and General Rules G-1 to G-48 (existing as of ~~10-1-21 10-1-19~~), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12547>.

(49) through (52) No change.

Rulemaking Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.081, 517.12(4), 517.1215, 517.1217, 517.161(1) FS. History—New 9-22-14, Amended 5-6-15, 11-26-19, 1-18-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Alisa G. Goldberg, Director, Division of Securities
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 23, 2022
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: September 12, 2022

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.:	RULE TITLES:
69W-600.001	Application for Registration as a Dealer (FINRA)
69W-600.0011	Effect of Law Enforcement Records on Applications for Registration as Dealer, Issuer/Dealer, or Investment Adviser
69W-600.0012	Application for Registration as a Dealer (Non-FINRA)
69W-600.0013	Application for Registration as an Issuer/Dealer
69W-600.0016	Application for Registration as an Investment Adviser (State Registered)
69W-600.002	Application for Registration as Associated Person (FINRA Dealer)
69W-600.0022	Application for Registration as an Associated Person (Non-FINRA Dealer)
69W-600.0023	Application for Registration as an Associated Person (Issuer/Dealer)
69W-600.0024	Application for Registration as an Associated Person (Investment Adviser and Federal Covered Advisor)
69W-600.0031	Notice-Filing of Branch Office (FINRA Dealer)
69W-600.0131	Prohibited Business Practices for Investment Advisers and Their Associated Persons
69W-600.014	Books and Records Requirements
69W-600.0151	Net Capital and Financial Reporting Requirements for Dealers and Issuer/Dealers
69W-600.0161	Net Capital and Financial Reporting Requirements for Investment Advisers

PURPOSE AND EFFECT: The purpose and effect is to amend the existing rules to incorporate by reference the current version of SEC Form X-17A-5, FOCUS Report, and other materials incorporated by reference, to clarify how applicants for registration as associated persons of investment advisers or federal covered advisers may satisfy exam requirements, to use consistent terminology throughout the rule chapter, to remove superfluous language, to correct a spelling error, to require financial statements to be submitted to the Office through an electronic portal, to allow associated persons of Financial Industry Regulatory Authority (FINRA) member firms who elect to participate in the FINRA Maintaining Qualifications Program (MQP) to satisfy exam requirements, to include

intermediaries in the definition of “applicant” for purposes of general procedures regarding law enforcement records as such procedures relate to application review, and to add in missing language clarifying that for FINRA dealer branch offices not designated as an Office of Supervisory Jurisdiction (OSJ), FINRA dealers must specify the OSJ and the supervisor(s) at the specified OSJ that supervise(s) the branch office.

SUMMARY: The proposed amended rules amend the existing rules to incorporate by reference the current version of SEC Form X-17A-5, FOCUS Report, and other materials incorporated by reference, clarify how applicants for registration as associated persons of investment advisers or federal covered advisers may satisfy exam requirements, use consistent terminology throughout the rule chapter, remove superfluous language, correct a spelling error, require financial statements to be submitted to the Office through an electronic portal, include intermediaries in the definition of “applicant” for purposes of general procedures regarding law enforcement records as such procedures relate to application review, and add in missing language clarifying that for FINRA dealer branch offices not designated as an Office of Supervisory Jurisdiction (OSJ), FINRA dealers must specify the OSJ and the supervisor(s) at the specified OSJ that supervise(s) the branch office. The proposed amended rules also amend the existing rules to allow associated persons of Financial Industry Regulatory Authority (FINRA) member firms who elect to participate in the FINRA Maintaining Qualifications Program (MQP) to satisfy exam requirements. Individuals who terminate their registrations with FINRA member firms and elect to participate in the MQP may have a maximum of five years, instead of two years, in which to reregister with a firm without having to requalify by exam.

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of these rules.

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: 517.03(1), 517.12, 517.1202, 517.121, 517.1215, 517.1611(2), FS.

LAW IMPLEMENTED: 517.12, 517.1202, 517.121, 517.1215, 517.161, 517.201, 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: Ryann White, Office of General Counsel (850)410-9803, Ryann.White@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.001 Application for Registration as a Dealer (FINRA).

(1) through (5) No change.

(6) Examinations/Qualifications Requirements.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. No change.

b. Individuals who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018; or

5. Submitting to the Office proof of participation in the FINRA Maintaining Qualification Program (MQP) as set forth in FINRA Rule 1240(c), which is incorporated by reference in Rule 69W-600.002, F.A.C., and maintenance of the validity of the examinations relating to the position to be filled administered by a national securities association to be demonstrated by meeting the conditions of participation in the MQP. Participation in the MQP shall not extend the validity period for the the Uniform Investment Adviser Law Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) for purposes of associated person of an investment adviser or federal covered adviser registration.

(7) through (11) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06, 5-15-07, 11-22-10, 10-29-12, 11-11-13, 12-29-15, 11-26-19, 1-18-21, _____.

69W-600.0011 Effect of Law Enforcement Records on Applications for Registration as Dealer, Issuer/Dealer, Intermediary, or Investment Adviser.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule, an “applicant” is any Dealer, Issuer/Dealer, Intermediary, or Investment Adviser seeking registration in Florida. Any member, principal, or director of the applicant or any person having similar status or performing similar functions; any person directly or indirectly controlling the applicant; direct owners, principals, or indirect owners that are required to be reported on behalf of the applicant on Form BD or Form ADV pursuant to Section 517.12(15), F.S. shall be referred to collectively as “relevant persons”. As part of the application review process for each Dealer, Issuer/Dealer, Intermediary, or Investment Adviser, submitted on Form BD, Form FL-INT (10/15), or Form ADV, the Office is required to consider all relevant persons’ respective law enforcement records when deciding whether to approve an application for registration. When conducting this review, the Office reviews the criminal history information derived from the fingerprint check, any responses made by the applicant or a relevant person, and information from other resources such as the Financial Industry Regulatory Authority. In the event of a question regarding ~~the~~ a relevant person’s criminal history, the Office may request additional information from the applicant to determine the status of a criminal event, the specific facts and circumstances surrounding a criminal event, or to address other issues determined relevant to the review of the law enforcement record. The Office will notify the applicant of any specific documents that it requires in order to complete its review of ~~the~~ a relevant person’s law enforcement record. Documentation that is typically requested includes:

(a) through (e) no change.

(2) through (17) no change.

Rulemaking Authority 517.1611(2) FS. Law Implemented 517.12, 517.161 FS. History—New 9-2-10, Amended 12-5-19, _____.

69W-600.0012 Application for Registration as a Dealer (Non-FINRA).

(1) through (5) No change.

(6) Examinations/Qualifications Requirements.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of

the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

- a. No change.
- b. Individuals who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018; or -

5. Submitting to the Office proof of participation in the FINRA Maintaining Qualification Program (MQP) as set forth in FINRA Rule 1240(c), which is incorporated by reference in Rule 69W-600.002, F.A.C., and maintenance of the validity of the examinations relating to the position to be filled administered by a national securities association to be demonstrated by meeting the conditions of participation in the MQP. Participation in the MQP shall not extend the validity period for the the Uniform Investment Adviser Law Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) for purposes of associated person of an investment adviser or federal covered adviser registration.

(7) through (11) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 11-26-19, 1-18-21,

69W-600.0013 Application for Registration as an Issuer/Dealer.

- (1) through (5) No change.
- (6) Examinations/Qualifications Requirements.
- (a) No change.

(b) Every applicant for initial registration as a principal or agent of an issuer/dealer shall evidence securities general knowledge by:

1. through 4. No change.

5. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

- a. Individuals whose registration as an associated person was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person within four years from the date of their last registration;
- b. Individuals who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018; or-

6. Submitting to the Office proof of participation in the FINRA Maintaining Qualification Program (MQP) as set forth in FINRA Rule 1240(c), which is incorporated by reference in Rule 69W-600.002, F.A.C., and maintenance of the validity of

the examinations relating to the position to be filled administered by a national securities association to be demonstrated by meeting the conditions of participation in the MQP. Participation in the MQP shall not extend the validity period for the the Uniform Investment Adviser Law Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) for purposes of associated person of an investment adviser or federal covered adviser registration.

- (c) No change.
- (7) through (11) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 11-26-19, 1-18-21,_____.

69W-600.0016 Application for Registration as an Investment Adviser (State Registered).

- (1) through (5) No change.
- (6) Examinations/Qualifications Requirements.
- (a) No change.

(b) Every associated person of an investment adviser designated as principal ~~An individual applying to be registered as an investment adviser~~ shall provide the Office with one of the following:

- 1. No change.
- 2. Proof of passing, within two years of the date of application for registration, the General Securities Representative Examination (Series 7), the Uniform Combined State Law Examination (Series 66), and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following principals ~~individuals~~ will be considered to have passed the SIE Examination:

- a. Principals ~~Individuals~~ whose registration as an associated person was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person within four years from the date of their last registration;
- b. Principals ~~Individuals~~ who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(c) Principals who meet one of the following conditions satisfy the examination requirements of paragraph (6)(b) of this rule, except the Office may require additional examinations for any principals found to have violated any state or federal securities law:

- 1.a. Principals who passed either the Series 65 examination or both the Series 7 and Series 66 examinations; and
- b. Have not had a lapse in registration as an associated person of an investment adviser or federal covered adviser in any jurisdiction in the United States for a period exceeding two years immediately preceding the date the Office receives the application for registration.

c. Periods of time during which a principal provides advisory services for compensation on behalf of a dealer, a federal covered adviser, or an investment adviser, in any jurisdiction in the United States that does not require such persons to register as an associated person of the dealer, federal covered adviser, or investment adviser on whose behalf such advisory services were performed, will not be considered a lapse in registration for purposes of this paragraph.

2.a. Principals who were previously registered with the Office as an associated person of an investment adviser or federal covered adviser; and

b. Have not had a lapse in registration as an associated person of an investment adviser or federal covered adviser in any jurisdiction in the United States for a period exceeding two years immediately preceding the date the Office receives the application for registration.

(d) (e) Grandfathering Provision Provisions: The examination requirements of paragraph (6)(b) of this rule shall not apply to principals who were registered as an associated person of an investment adviser or a federal covered adviser in any jurisdiction in the United States pursuant to a transition request submitted prior to January 1, 2005, and who have not had a lapse in registration as an associated person of an investment adviser or federal covered adviser in any jurisdiction in the United States for a period exceeding two years immediately preceding the date the Office receives the application for registration. The Office may require additional examinations for any applicant found to have violated any state or federal securities law.

1. Any individual who is or has been registered as an investment adviser or associated person of an investment adviser in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), within two years of the date of application for registration shall not be required to satisfy the examination requirements for continued registration except that the Office may require additional examinations for any individual found to have violated any state or federal securities law.

2. An individual who obtained registration as an associated person of an investment adviser or a federal covered adviser in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), by such jurisdiction waiving those examination requirements, shall be required to satisfy the examination requirements of this rule.

(e) (d) The examination requirement for an associated person of an investment adviser designated as principal an individual applying for registration as an investment adviser shall not apply to a principal an individual who currently holds one of the following professional designations:

1. through 5. No change.

(7) No change.

(8) Renewal Requirement.

(a) through (c) No change.

(d) Failure to submit the requisite amount of fees as provided for in paragraph (8)(b), by December 31 of the year of expiration of the registration shall result in the firm registration, associated person ~~agent~~ registration, or branch office notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration or notice-filing may be reinstated in accordance with the provisions of Section 517.12(11) or 517.1202(3), F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration or notice-filing by January 31 of the year following the year of expiration shall result in such registration or notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration or notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.12(10) or 517.1202(8), F.S., and shall not be returnable.

(9) Termination of Registration as an Investment Adviser, Associated Person ~~Agent~~, or Notification of Branch Office.

(a) through (d) No change.

(10) No change.

(11) Notice of Civil, Criminal or Administrative Action. An investment adviser shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed against the firm or owner which directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to the activities as a dealer, investment adviser, principal or associated person agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency; and,

(b) through (c) No change.

(12) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 11-26-19, 1-18-21, ____.

69W-600.002 Application for Registration as Associated Person (FINRA Dealer).

(1) through (5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. No change.

b. Individuals who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018; or-

5. Submitting to the Office proof of participation in the FINRA Maintaining Qualification Program (MQP) as set forth in FINRA Rule 1240(c), which is incorporated by reference in Rule 69W-600.002, F.A.C., and maintenance of the validity of the examinations relating to the position to be filled administered by a national securities association to be demonstrated by meeting the conditions of participation in the MQP. Participation in the MQP shall not extend the validity period for the the Uniform Investment Adviser Law Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) for purposes of associated person of an investment adviser or federal covered adviser registration.

(7) through (11) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, 11-22-10, 5-29-12, 11-11-13, 12-29-15, 9-25-18, 11-26-19, 1-18-21, _____.

69W-600.0022 Application for Registration as Associated Person (Non-FINRA Dealer).

(1) through (5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 3. No change.

4. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry

Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. No change.

b. Individuals who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018; or-

5. Submitting to the Office proof of participation in the FINRA Maintaining Qualification Program (MQP) as set forth in FINRA Rule 1240(c), which is incorporated by reference in Rule 69W-600.002, F.A.C., and maintenance of the validity of the examinations relating to the position to be filled administered by a national securities association to be demonstrated by meeting the conditions of participation in the MQP. Participation in the MQP shall not extend the validity period for the the Uniform Investment Adviser Law Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) for purposes of associated person of an investment adviser or federal covered adviser registration.

(7) through (10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19, 1-18-21, _____.

69W-600.0023 Application for Registration as Associated Person (Issuer/Dealer).

(1) through (5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. through 4. No change.

5. Submitting to the Office proof of passing, within two years of the date of application for registration, an examination relating to the position to be filled administered by a national securities association and proof of passing, within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following individuals will be considered to have passed the SIE Examination:

a. No change.

b. Individuals who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018; or-

6. Submitting to the Office proof of participation in the FINRA Maintaining Qualification Program (MQP) as set forth in FINRA Rule 1240(c), which is incorporated by reference in Rule 69W-600.002, F.A.C., and maintenance of the validity of the examinations relating to the position to be filled administered by a national securities association to be demonstrated by meeting the conditions of participation in the MQP. Participation in the MQP shall not extend the validity

period for the the Uniform Investment Adviser Law Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) for purposes of associated person of an investment adviser or federal covered adviser registration.

(c) No Change.

(7) through (10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19, 1-18-21;_____.

69W-600.0024 Application for Registration as Associated Person (Investment Adviser and Federal Covered Adviser).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. through 5. No change.

(2) through (3) No change.

(4) Multiple Registration.

(a) No change.

(b) A person registered with the Office as an associated person ~~under this rule of an investment adviser or federal covered adviser~~ shall not be required to register as an associated person of any other investment adviser or federal covered adviser on whose behalf such person solicits, refers, offers or negotiates advisory services, provided each of the following conditions are met:

1. through 4. No change.

(5) No change.

(6) Examinations/Qualifications.

(a) No change.

(b) ~~Every applicant for registration An individual applying to be registered as an associated person of an investment adviser or federal covered adviser~~ shall provide the Office with one of the following:

1. No change.

2. Proof of passing, within two years of the date of application for registration, the General Securities Representative Examination (Series 7), the Uniform Combined State Law Examination (Series 66), and proof of passing within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. The following ~~applicants individuals~~ will be considered to have passed the SIE Examination:

a. ~~Applicants Individuals~~ whose registration as an associated person was terminated between October 1, 2014, and September 30, 2018, provided they re-register as an associated person within four years from the date of their last registration;

b. ~~Applicants Individuals~~ who registered as an associated person prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018.

(c) Applicants who meet one of the following conditions satisfy the examination requirements of paragraph (6)(b) of this rule, except the Office may require additional examinations for any applicants found to have violated any state or federal securities law:

1.a. Applicants who passed either the Series 65 examination or both the Series 7 and Series 66 examinations; and

b. Have not had a lapse in registration as an associated person of an investment adviser or federal covered adviser in any jurisdiction in the United States for a period exceeding two years immediately preceding the date the Office receives the application for registration.

c. Periods of time during which an applicant provides advisory services for compensation on behalf of a dealer, a federal covered adviser, or an investment adviser, in any jurisdiction in the United States that does not require such persons to register as an associated person of the dealer, federal covered adviser, or investment adviser on whose behalf such advisory services were performed, will not be considered a lapse in registration for purposes of this paragraph.

3.a. Applicants who were previously registered with the Office as an associated person of an investment adviser or federal covered adviser; and

b. Have not had a lapse in registration as an associated person of an investment adviser or federal covered adviser in any jurisdiction in the United States for a period exceeding two years immediately preceding the date the Office receives the application for registration.

(d) ~~(e)~~ Grandfathering Provision Provisions: The examination requirements of paragraph (6)(b) of this rule shall not apply to applicants who were registered as an associated person of an investment adviser or a federal covered adviser in any jurisdiction in the United States pursuant to a transition request submitted prior to January 1, 2005, and who have not had a lapse in registration as an associated person of an investment adviser or federal covered adviser in any jurisdiction in the United States for a period exceeding two years immediately preceding the date the Office receives the application for registration. The Office may require additional examinations for any applicant found to have violated any state or federal securities law.

1. Any individual who is or has been registered as an associated person of an investment adviser or federal covered adviser in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), within two years of the date of application for registration shall not be required to satisfy the examination requirements for continued registration except that the Office may require additional examinations for any individual found to have violated any state or federal securities law.

~~2. An individual who obtained registration as an associated person of an investment adviser or a federal covered adviser in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b), by such jurisdiction waiving those examination requirements, shall be required to satisfy the examination requirements of this rule.~~

~~(e) (d)~~ The examination requirement for associated persons of an investment adviser or federal covered adviser shall not apply to an applicant individual who currently holds one of the following professional designations:

1. through 5. No change.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with ~~Section Dection~~ 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE’s website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) No change.

(8) Renewal Requirement.

(a) Renewal fees for associated persons ~~of investment advisers and federal covered advisers~~ shall be submitted by the firm through the CRD by December 31 of the year the registration expires as required by Section 517.12(11), F.S.

(b) through (c) No change.

(9) Termination of Registration of Principal or Associated Person Agent.

(a) through (b) No change.

(10) Notice of Civil, Criminal or Administrative Action.

An associated person shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed that directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to activities as a principal or associated person agent, or any other activity in which a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency; and

(b) though (c) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 12-29-15, Amended 9-25-18, 11-26-19, 1-18-21,_____.

69W-600.0031 Notice-Filing of Branch Office (FINRA Dealer).

(1) No change.

(2) Branch Office Designation. A branch office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. For each branch office designated as an OSJ, a supervisor shall be designated as a principal and registered with the Office. The designated principal shall have passed the examination(s), administered by a national securities association or a national securities exchange registered with the Securities and Exchange Commission, to supervise the activities of the branch office and its associated persons and be registered with the Office as set forth in Rule 69W-600.002, F.A.C. For offices not designated as an OSJ, the registrant must specify the OSJ and the supervisor(s) at as the specified OSJ that supervise(s) the branch office. Additionally, the registrant must specify the person(s)-in-charge physically located at the branch office. The person(s)-in-charge must be registered as set forth in Rule 69W-600.002, F.A.C.

(3) through (6) No change.

Rulemaking Authority 517.03(1), 517.1202 FS. Law Implemented 517.12(8), 517.1202 FS. History—New 12-29-15, Amended 11-26-19, .

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are prohibited business practices for investment advisers and associated persons pursuant to Section 517.1215(2), F.S., and are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following, notwithstanding the fact that the investment adviser or associated person is not registered or required to be registered under the Investment Advisers Act of 1940:

Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940, (15 U.S.C.A. §§80b-4, 80b-4a, 80b-5, 80b-6, 80b-7, 80b-8), or SEC Rules 204-1, 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1, ~~206(4)-3,~~ (17 C.F.R. §§275.204-1, 275.204-3, 275.205-1, 275.205-2, 275.205-3, 275.206(3)-1, 275.206(3)-2, 275.206(4)-1, ~~275.206(4)-3,~~ which are incorporated by reference in Rule 69W-200.002, F.A.C.

(b) through (x) No change.

(2) No change.

Rulemaking Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.1215, 517.161(1) FS. History—New 1-25-00, Amended 10-30-03, Formerly 3E-600.0131, Amended 10-23-06, 1-18-09, 11-22-10, 9-22-14, 5-6-15, 11-15-16, 11-26-19, 1-18-21,_____.

69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a branch office notice-filed in this state shall be exempt from the provisions of this rule.

(1) through (2) No change.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, (17 C.F.R. §275.204-2), which is incorporated by reference in Rule 69W-200.002, F.A.C. Notwithstanding SEC Rule 204-2, (17 C.F.R. §275.204-2), investment adviser records requirements do not include Form CRS. Investment advisers shall have available for the Office of Financial Regulation at least the following records:

(a) through (e) No change.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule ~~206(4)-1~~ ~~206(4)-3~~, (17 C.F.R. ~~§275.206(4)-1~~ ~~§275.206(4)-3~~), which is incorporated by reference in Rule 69W-200.002, F.A.C.

(g) through (l) No change.

(4) through (8) No change.

Rulemaking Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06, 5-15-07, 11-22-10, 11-11-13, 9-22-14, 5-6-15, 11-15-16, 11-26-19, 1-18-21, _____.

69W-600.0151 Net Capital and Financial Reporting Requirements for Dealers and Issuer/Dealers.

(1) through (3) No change.

(4) Financial reporting requirements for dealers.

(a) Requirement for dealer applicants. Every dealer applicant, unless exempted under paragraph (4)(c) of this rule, shall file with the Office:

1. A completed SEC Form X-17A-5 Part IIA (FOCUS Report) (~~11-18~~ ~~11-05~~), which is hereby incorporated by reference and accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-11279~~, or

2. No change.

(b) Requirement for dealers. Every dealer registered or required to be registered pursuant to Section 517.12, F.S., shall annually file with the Office of Financial Regulation audited financial statements as of the end of the dealer's fiscal year within ninety (90) days after the conclusion of said fiscal year, unless exempted under paragraph (4)(c) of this rule. Financial statements required to be filed with the Office under this paragraph shall be filed by electronic means. Registrants who filed their original application through the REAL system shall file the documents required by this paragraph through the REAL system. All other registrants shall file the documents required by this subsection via the Office's online portal at: <https://www.flofr.gov/sitePages/WelcomeToOnlineServices.htm> ~~email at: OFR.FinStmt@flofr.gov.~~

(c) through (d) No change.

(5) through (6) No change.

Rulemaking Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2), 517.161(1), 517.201 FS. History—New 5-6-15, Amended 11-26-19, 3-3-21, _____.

69W-600.0161 Net Capital and Financial Reporting Requirements for Investment Advisers.

(1) No change.

(2) Financial reporting requirements for investment advisers. Documents required to be filed with the Office under this subsection shall be filed via the Office's online portal at: <https://www.flofr.gov/sitePages/WelcomeToOnlineServices.htm> ~~email at: OFR.FinStmt@flofr.gov.~~

(a) through (d) No change.

(3) No change.

Rulemaking Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2), 517.161(1), 517.201 FS. History—New 5-6-15, Amended 3-3-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alisa G. Goldberg, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: September 12, 2022

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NOS.:	RULE TITLES:
73C-50.001	Authority; Incorporation
73C-50.002	Definitions
73C-50.003	Application Requirements and Process
73C-50.004	Application Review
73C-50.005	Application Challenge Process
73C-50.006	Evaluation Criteria
73C-50.007	Grant Awards

PURPOSE AND EFFECT: To implement sections 288.9961 and 288.9962, Florida Statutes, which establish the Florida Office of Broadband within the Department for the purpose of receiving, evaluating and awarding grants to applicants who seek to expand broadband internet service to unserved areas within the state of Florida.

SUMMARY: These new rules will provide potential grant applicants with the application form and necessary information about the evaluation and scoring criteria that the Florida Office of Broadband will use to determine grant awards. The rules also implement the application challenge process as set forth in section 288.9962(6)(c).

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 Agency has previously reviewed the statutory requirements and determined that the proposed new rules will not have an adverse impact or associated regulatory cost that exceeds any of the criteria set forth in section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 288.9961(5)(d), 288.9962(5) FS

LAW IMPLEMENTED: 288.9961, 288.9962 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: Leslie Bryson, Department of Economic Opportunity, 107 E. Madison Street, MSC 110,

Tallahassee, FL 32399, leslie.bryson@deo.myflorida.com, (850)245-7183.

THE FULL TEXT OF THE PROPOSED RULE IS:

73C-50.001 Authority; Incorporation

(1) In addition to complying with section 288.9962, F.S., recipients of funds from the Broadband Opportunity Program shall comply with the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) requirements identified in Title 31 Code of Federal Regulations (CFR) Part 35 (7-1-2021 Edition), <http://www.flrules.org/Gateway/reference.asp?No=Ref-AAAAA>, as amended by 87 Fed Reg. 4338 (Jan. 27, 2022), <http://www.flrules.org/Gateway/reference.asp?No=Ref-BBBBB>, adopted and incorporated herein by reference for use throughout this chapter and available at the Florida Office of Broadband’s website, www.floridajobs.org/broadband.com.

(2) In instances where the SLFRF provisions differ from the requirements of the Broadband Opportunity Program, the SLFRF provisions shall prevail.

(3) The following forms are adopted and incorporated herein by reference. The forms are also available at the Office’s website, www.floridajobs.org/broadband.com.

(a) Broadband Opportunity Program Grant Application, effective XX-2022, <http://www.flrules.org/Gateway/reference.asp?No=Ref-CCCCC>.

(b) Broadband Opportunity Program Scoring and Evaluation Criteria, effective XX-2022, <http://www.flrules.org/Gateway/reference.asp?No=Ref-DDDDD>.

Rulemaking Authority 288.9961(5)(d), 288.9962(5) FS. Law Implemented 288.9962 FS. History–New XX-XX-22

73C-50.002 Definitions

The terms used in this part are defined as follows:

(1) “Applicant” means an applicant for funding under the Broadband Opportunity Program.

(2) “Broadband Internet Service Provider” or “Provider” means a provider of the services defined in section 288.9961(2)(a), F.S.

(3) “Program” means the Broadband Opportunity Program, established within the Florida Office of Broadband for the purpose of expanding broadband Internet service to unserved, underserved and rural areas of the state.

(4) “Rural” means a rural community as defined in Section 288.0656, F.S. Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History–New XX-XX-22.

73C-50.003 Application Requirements and Process

(1) This rule applies to Applicants seeking grant funding under the Program.

(2) The Program is a cost reimbursement program. Therefore, funding will be provided at regular intervals to grant recipients after expenses have been incurred to reimburse for those expenses. The period(s) when reimbursement may be requested and the methods to request reimbursement will be set forth in the grant agreement between the Office and awardee and follow all statutory requirements.

(3) Applicants eligible for grant awards from the Program are listed in section 288.9962(3), F.S.

(4) To be considered for grant funding under the Program, Applicants must show community support from the local community within and near the project area and/or engagement with the county's Local Technology Planning Team when submitting a Broadband Opportunity Program Grant Application, which is incorporated by reference in Rule 73C-50.001, F.A.C., and available on the Office's website, www.floridajobs.org/broadband, to the Office within the noticed application window.

(5) Applications will be accepted for at least seven and no more than 45 days from the date the application window opens. The application window opening and closing dates will be noticed in the Florida Administrative Register and also announced on the Office's website, www.floridajobs.org/broadband, at least five days before the opening date of the application window. Within three business days of the application window closing date, the Office will post the list of submitted potential projects to begin the 45-day challenge window.

(6) Applications shall be submitted to the Office using the Broadband Opportunity Program Grant Application. Any and all confidential business information or proprietary information provided on the Broadband Opportunity Program Grant Application and/or supporting documentation provided along with the application must be identified upon submission and a redacted copy of the same material provided to the Office concurrent with when the claim of confidentiality or proprietary protection is asserted. Each individual portion of the redacted copy that the Applicant asserts as confidential must contain a citation to the specific law making the content of the redacted portion confidential.

(7) Applications must be received by the Office by 5:00 p.m. (Eastern Time) on the closing date of the application window. Late applications may not be reviewed unless funding remains after all eligible applications have been funded. Whether or not a late application will be reviewed will be based on the total dollars requested by all Applicants from the Program for all eligible projects as compared to the total funding appropriated to the Office for the Program.

(8) Applications should be submitted through the portal on the Office's website, www.floridajobs.org/broadband. The Office will also accept applications submitted via mail or hand-delivery to the Department of Economic Opportunity, Florida Office of Broadband, 107 East Madison Street, Mail Station #160, Caldwell Building, Tallahassee, Florida 32399-4128, or via e-mail to Broadband@deo.myflorida.com.

(9) The Office will not process applications that are not submitted using the Broadband Opportunity Program Grant Application.
Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9961(4)(b), 288.9962 FS. History—New XX-XX-22.

73C-50.004 Application Review

(1) Within three business days after the close of the application window, the Office will publish a list of the proposed unserved areas to be served, the proposed broadband Internet speeds of the areas to be served, and a service map of the proposed project areas at www.floridajobs.org/broadband.

(2) Thereafter, the Office shall conduct an initial review of all applications for completeness, accuracy, and applicant eligibility. Applications which meet these three criteria will be evaluated and scored pursuant to the Broadband Opportunity Program Scoring and Evaluation Criteria, incorporated by reference in Rule 73C-50.001, F.A.C., and also available at the Office's website, www.floridajobs.org/broadband.

(3) After the initial review of the application, the Office will notify the applicant, in writing, of any conditions that must be met to cure application deficiencies to complete the application. The Applicant will then be allowed 15 calendar days from the date on the notice to correct the deficiency or deficiencies identified in the notice and to resubmit the deficient portions of the application. The date of resubmission is the date a complete submission is received by the Office. After full, timely resubmission to cure any application deficiencies, the Office will review the resubmission following the same steps and procedure under this section, beginning at subsection (2) above.

(4) Applications received after the resubmission deadline or which do not correct the application deficiency or deficiencies may not be further evaluated. Whether or not a late application will be reviewed will be based on the total dollars requested by all Applicants from the Program for all eligible projects as compared to the total funding appropriated to the Office for the Program.

(5) Applications are considered complete when timely submitted to the Office with all questions on the Broadband Opportunity Program Grant Application answered and all required information and supporting documentation provided.
Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History—New XX-XX-22.

73C-50.005 Application Challenge Process

(1) A Broadband Internet Service Provider that provides existing service in or adjacent to a proposed project area may submit a challenge to an application. The Provider may challenge all or a portion of a proposed project area.

(2) Challenges must be submitted within 45 days of the Office's publication of the list of the proposed unserved areas to be served. Challenges must be in writing, with an affirmative certification by the Provider of the accuracy of the information asserted, including a Geographic Information Systems map of the challenged area, and containing detailed information demonstrating one or more of the three factors set forth in section 288.9962(6)(c), F.S. The Provider must also submit any other documentation to support the challenge.

(3) Challenges may be submitted to the Department of Economic Opportunity, Florida Office of Broadband, 107 East Madison Street, Mail Station #160, Caldwell Building, Tallahassee, Florida 32399-4128, or via e-mail at Broadband@deo.myflorida.com. Any and all confidential business information or proprietary information must be identified upon submission and a redacted copy of the same material provided to the Office concurrent with the claim of confidentiality or proprietary protection. Each individual portion of the redacted copy that the broadband Internet service Provider asserts as confidential must contain a citation to the specific law making the content of the redacted portion confidential.

(4) Within three business days of receiving a timely challenge, the Office will notify the Applicant, in writing, and provide a copy of the challenge. The Applicant shall have 30 calendar days from the date on the notice of challenge to respond, and the Applicant's application will be placed in pending status.

(5) The Applicant's response must address, in detail, each factor identified in the challenge and include concise statements of the Applicant's position regarding each factor. The response must also state with specificity the Applicant's reason(s) the challenge is not valid and include any supporting documentation. If the Applicant and challenging entity can mutually settle the challenge, the settlement must be submitted to the Office, in writing, within 30 days of the challenge notification.

(6) The Office shall evaluate challenges in accordance with section 288.9962(6)(e) and (f), F.S. The Office shall have 30 calendar days to review an Applicant's response and issue a written determination granting or denying the challenge. When a challenge is granted for only a portion of the proposed project area, the Office shall award a grant to the unchallenged and unserved portion of the grant application.

(7) The Office shall publish a list of all grant applications received and all written challenges and the results of those

challenges on its website at www.floridajobs.org/broadband in accordance with section 288.9962(10), F.S. Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History--New XX-XX-22.

73C-50.006 Evaluation Criteria

(1) Applications shall be evaluated and scored based on the specific criteria and quantitative scoring system set forth in the Broadband Opportunity Program Scoring and Evaluation Criteria, incorporated by reference in Rule 73C-50.001, F.A.C., and available on the Office's website at www.floridajobs.org/broadband, in the following categories:

- (a) Broadband Impact
- (b) Network Scalability
- (c) Project Viability and Sustainability
- (d) Economic Distress
- (e) Funding Sources and Community Support
- (f) Alignment with State Strategic Plan
- (g) Project Readiness
- (h) Affordability and Adoption Assistance

(2) The sum of the numerical scores awarded to the Applicant under each category shall be the total numerical score for the Applicant.

(3) Applicants with the highest numerical rankings will be selected for funding.

(4) The number of Applicants funded will be determined by the total available funding.

Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History--New XX-XX-22.

73C-50.007 Grant Awards

(1) Eligible Applicants must obtain a minimum evaluation score of 130 points to be considered for funding; however, this does not guarantee an award.

(2) Funding under the Program shall be awarded in accordance with section 288.9962(8), F.S.

(3) Grant awards shall not exceed \$5 million for a single project.

(4) Grant awards may not fund more than 50 percent of the total cost of the project, when combined with any state or local funds.

(5) Successful Applicants will be notified in writing and will be required to enter into a written grant agreement with the Office according to the terms and conditions specified in section 288.9962(9), F.S. and in accordance with all other applicable laws. The successful Applicant shall not receive any funding from the Program until the Office and successful Applicant enter into a grant agreement.

(6) All grant funds awarded must be fully obligated by December 31, 2024, and expended by December 31, 2026.

(7) Of the total appropriated dollars, and after subtracting any allowable administrative funds, the Office will initially set

aside 40 percent for eligible project applications within a rural community. If all set aside dollars are not awarded, the set aside will no longer apply and all remaining dollars will be awardable to eligible project applications.

Rulemaking Authority 288.9961(5)(d) FS. Law Implemented 288.9962 FS. History—New XX-XX-22.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Katie Smith, Director, Florida Office of Broadband
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dane Eagle, Secretary, Department of Economic Opportunity
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 15, 2022

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-16.002 RULE TITLE: Index to Forms
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 48 No. 169, August 30, 2022 issue of the Florida Administrative Register.

The following change is made in response to written public comments regarding proposed Form DR-465, Application for Catastrophic Event Tax Refund. A revised draft of Form DR-465 is available on the Department’s website.

The third sentence of the first paragraph under the section “Completed by Applicant” on page 2 of Form DR-465 has been revised, so that, when adopted, that sentence will read as follows:

Regardless of a scheduled informal conference with the property appraiser, petitions involving determinations on refund of taxes for catastrophic event may be submitted to the value adjustment board.

Section IV Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5JER22-5 RULE TITLE: Volatility Standards for Gasoline
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the effects of Hurricane Ian, and in light of ongoing distribution challenges, extreme and unusual circumstances exist that could foreseeably prevent the distribution of an adequate fuel supply to consumers throughout the state. Adoption of this emergency rule waiving certain volatility standards will help increase available fuel supply, assist in recovery efforts, and protect the welfare of Florida consumers.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule was initiated following discussions with industry members who have access to the most up-to-date information available regarding fuel availability and distribution. The rule will apply to all fuel suppliers and will help to ensure a consistent supply of fuel in Florida while alleviating additional strain on Florida’s fuel market. As this is an unprecedented situation, prompt action based on the information available is both necessary and fair.

SUMMARY: This emergency rule allows fuels of different volatility classes than those set forth in ASTM International designation D4814-20a, as adopted in rule 5J-21.001, F.A.C., for the periods indicated.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Blair Bodenmiller, Assistant Director of Consumer Services, 2005 Apalachee Parkway, Tallahassee, FL 32399, (850)410-3675.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5JER22-5 Volatility Standards for Gasoline
Volatility Class D-4 fuels as specified in ASTM International designation D4814-20a, shall be allowed for the time period from September 28, 2022, through October 31, 2022, for retail distribution and sale.

Rulemaking Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History – New 9-28-22.

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: 9/28/22

DEPARTMENT OF REVENUE**Corporate, Estate and Intangible Tax**

RULE NO.: RULE TITLE:

12CER22-1 Internship Tax Credit Program

SUMMARY: Notice of Renewal of Emergency Rule 12CER22-1. This emergency rule provides the eligibility criteria for qualified businesses to request a tax credit, the application process for submitting the request, and when the tax credits can be taken against the tax imposed by Chapter 220, F.S.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Brinton Hevey, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7754.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12CER22-1 Internship Tax Credit Program.

(1) Definitions. For purpose of this rule, the following terms mean:

(a) "Department" means the Florida Department of Revenue.

(b) "Full time" means at least 30 hours per week.

(c) "Qualified business" means a business that is in existence and has been continuously operating for at least 3 years.

(d) "Student intern" means a person who has completed at least 60 credit hours at a state university or a Florida College System institution, regardless of whether the student intern receives course credit for the internship; a person who is enrolled in a career center operated by a school district under s. 1001.44 or a charter technical career center; or any graduate student enrolled at a state university.

(2) Available Tax Credits for Qualified Businesses. For taxable years beginning during the 2022 and 2023 calendar years, a student internship tax credit is available against the tax imposed by Chapter 220, F.S., and equal to \$2,000 per student intern, but no more than \$10,000 per taxable year.

(a) These tax credits are available on a first-come, first-served basis.

(b) The Department must approve the tax credit before the taxpayer can take the credit on a return.

(c) Qualified businesses may carry forward any unused portion of the tax credit for up to two taxable years.

(3) Eligibility.

(a) To be eligible to request a tax credit, a qualified business must employ at least one student intern full time during the 2022 or 2023 taxable year for at least 9 consecutive weeks, in addition to one of the following criteria:

1. Twenty percent or more of the business' current full-time employees were previously employed as student interns by the qualified business.

2. Employed, on average for the 3 immediately preceding taxable years, 10 or fewer full-time employees and previously hired at least one student intern during that time.

(b) Qualified businesses must provide documentation demonstrating that each student intern employed during the 2022 or 2023 taxable year is enrolled in an educational institution as stated in paragraph (1)(d) and maintains a minimum grade point average of 2.0 on a 4.0 scale, if applicable.

(4) Application process.

(a) To apply for available program credits, a taxpayer must submit a Florida Internship Tax Credit Program – Application for Tax Credit (Form F-1198, effective 03/22, hereby incorporated by reference, available on the Department's website at floridarevenue.com), along with documentation demonstrating that the business and student intern meet the criteria to receive tax credits.

(b) Following receipt of an application, the Department will send written correspondence regarding the amount of tax credit approved or providing the reason the tax credit application could not be approved, whether in whole or in part. The taxpayer may protest a denial pursuant to Sections 120.569 and 120.57, F.S. The Department will reserve the denied amount of the allocation for the taxpayer during the protest period.

Rulemaking Authority Section 51 of Chapter 2021-31, L.O.F. Law Implemented 220.198 FS. History–New 03-31-22.

The Department of Revenue ("Department") hereby provides notice of renewal of Emergency Rule 12CER22-1, Internship Tax Credit Program, as adopted on March 31, 2022, effective March 31, 2022, noticed in the Florida Administrative Register on April 1, 2022, (Vol. 48/64, pp. 1310-1311). The Legislature expressly authorized in Section 34 of Chapter 2021-31, L.O.F., the promulgation of an emergency rule by the Department to provide forms and instructions on this topic for a period of 6 months and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules. On August 24, 2022 (Vol. 48, No. 165, pp. 3413-3416), the Department published a Notice of Rule Development for Rule 12C-1.051, F.A.C., pursuant to Section 120.54(3)(a)1., Florida Statutes, which, if adopted, would establish a rule addressing the subject of Emergency Rule 12CER22-1. Therefore, pursuant to Section 120.54(4)(c)1., F.S., Emergency Rule 12CER22-1, F.A.C., is renewed.

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: 10/01/2022

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH
Board of Optometry

RULE NO.: RULE TITLE:

64B13-5.001 Hours Requirement

NOTICE IS HEREBY GIVEN that on September 28, 2022, the Board of Optometry, received a petition for waiver or variance filed by Dianne L. Williams, O.D. Petitioner is seeking a variance or waiver of subsection 64B13-5.001(1), F.A.C., that states in part that licensed practitioners must complete one (1) hour of approved continuing education in acquired immune deficiency syndrome that complies with the requirements of section 456.033, F.S. Credit for continuing education will be allowed on the basis of an hour for hour.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dayle Mooney, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, telephone: (850)488-0595, or by electronic mail – MQA.Optometry@flhealth.gov. Comments on this petition should be filed with the Board of Optometry within 14 days of publication of this notice.

DEPARTMENT OF FINANCIAL SERVICES
Securities

The Florida Office of Financial Regulation hereby gives notice: On 9/28/2022, the Florida Office of Financial Regulation issued a Final Order Denying Petition for Variance from subsection 69W-600.0024(6), Florida Administrative Code filed by James K. Larson II. The Office finds that the Petition has not demonstrated that the purpose of the underlying statute, section 517.12, Florida Statutes, implemented by the rule requirement to have timely passed the Series 65 examination, has been satisfied as to Petitioner's qualifications and knowledge. The Office finds that the Petition did not demonstrate that application of paragraph 69W-600.0024(6)(b), Florida Administrative Code, as to Petitioner, would create a substantial hardship. The Office finds that the Petition fails to clearly identify or delineate the specific way(s) paragraph 69W-600.0024(6)(b), Florida Administrative Code, violates principles of fairness by affecting Petitioner in a manner significantly different from the way it affects other similarly situated persons who have to take or retake an examination. Based on the Findings of Fact and Conclusions of Law, the

Petition is denied. ***The original petition was published July 7, 2022 in the Florida Administrative Register Volume 48, Number 131.

A copy of the Order or additional information 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.gov.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE
Division of Arts and Culture

The Florida Division of Arts and Culture announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 3, 2022, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference.

Please join the meeting from your computer, tablet or smartphone. <https://meet.goto.com/401550741>

You can also dial in using your phone. United States: (408)650-3123, Access Code: 401-550-741

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com, Meeting ID: 401 550 741

Or dial directly: 401550741@67.217.95.2 or 67.217.95.2##401550741

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2023-2024 Music Projects and Level 2 General Program Support grant programs. A copy of the agenda may be obtained by contacting: The Division of Arts and Culture at (850)245-6470 or by visiting our website: www.dos.myflorida.com/cultural

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: Rachele Ashmore, (850)245-6490, rachele.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cassandra White, (850)245-6351, cassandra.white@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Arts and Culture

The Florida Division of Arts and Culture announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2022, 9:00 a.m.

PLACE: This meeting will be held via webinar and teleconference.

Please join the meeting from your computer, tablet or smartphone. <https://meet.goto.com/844488173>

You can also dial in using your phone. United States: (571)317-3122, Access Code: 844-488-173

Join from a video-conferencing room or system. Dial in or type: 67.217.95.2 or inroomlink.goto.com, Meeting ID: 844 488 173 or dial directly: 844488173@67.217.95.2 or 67.217.95.2##844488173

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2023-2024 Music Level 3 General Program Support grant program. (This is the rescheduled meeting due to Hurricane Ian)

A copy of the agenda may be obtained by contacting: The Division of Arts and Culture at (850)245-6470 or by visiting our website: www.dos.myflorida.com/cultural.

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: Rachele Ashmore, (850)245-6490, rachele.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cassandra White, (850)245-6351, cassandra.white@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Arts and Culture

The Florida Division of Arts and Culture and the Florida Council on Arts and Culture announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2022, 9:00 a.m. until conclusion

PLACE: This meeting will be held via webinar and teleconference.

Please join the meeting from your computer, tablet or smartphone. <https://meet.goto.com/844488173>

You can also dial in using your phone. United States: (571)317-3122, Access Code: 844-488-173

Join from a video-conferencing room or system. Dial in or type: 67.217.95.2 or inroomlink.goto.com, Meeting ID: 844 488 173

or dial directly: 844488173@67.217.95.2 or 67.217.95.2##844488173

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score grant applications for the 2023-2024 Cultural Facilities grant program. The quarterly meeting of the Florida Council on Arts and Culture will immediately follow the conclusion of the Cultural Facilities panel.

A copy of the agenda may be obtained by contacting: The Division of Arts and Culture at (850)245-6470 or by visiting our website: www.dos.myflorida.com/cultural.

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: Rachele Ashmore, (850)245-6490, rachele.ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Teri Abstein, (850)245-6299, teri.abstein@dos.myflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

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

DATE AND TIME: Thursday, October 20, 2022, 9:00 a.m. – 5:00 p.m.

PLACE: Princess Place Preserve, Legacy Lodge, 2500 Princess Place Rd, Palm Coast, FL 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agricultural Museum Board of Trustees will conduct a regular meeting to discuss general business.

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

For more information, you may contact: Kara Hoblick at (386)446-7630 or kara@floridaagmuseum.org.

DEPARTMENT OF EDUCATION

The Residency Subcommittee of the Articulation Coordinating Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 29, 2022

PLACE: CANCELLED

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been CANCELLED due to Hurricane Ian.

A copy of the agenda may be obtained by contacting: Articulation@fldoe.org.

DEPARTMENT OF EDUCATION

The Oversight Subcommittee of the Articulation Coordinating Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 30, 2022

PLACE: CANCELLED

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been CANCELLED due to Hurricane Ian.

A copy of the agenda may be obtained by contacting: Articulation@fldoe.org.

PUBLIC SERVICE COMMISSION

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

DOCKET NO. AND TITLE: 20220067-GU - Petition for rate increase by Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company - Fort Meade, and Florida Public Utilities Company - Indiantown Division.

PREHEARING CONFERENCE DATE AND TIME: Thursday, October 13, 2022, 1:00 p.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, October 25, 2022 immediately following the 9:30 a.m. Internal Affairs Meeting. October 26, 2022, October 27, 2022 and October 28, 2022, have also been reserved for continuation of the hearing if needed. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

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 shall be to receive testimony and exhibits and to take final action relative to the Petition for rate increase by Florida Public Utilities Company, Florida Division of Chesapeake Utilities Corporation, Florida Public Utilities Company - Fort Meade, and Florida Public Utilities Company - Indiantown Division. 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. The hearing will be governed by the provisions of Chapter 120, Florida Statutes, Chapter 366, Florida Statutes, and Chapters 25-22 and 28-106, Florida Administrative Code.

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). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

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.

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Gubernatorial Fellows Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 7, 2022, 1:00 p.m.

PLACE: via teleconference line

GENERAL SUBJECT MATTER TO BE CONSIDERED: General program discussion

A copy of the agenda may be obtained by contacting: Kim Bane, kim.bane@eog.myflorida.com, (850)717-9224.

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: Kim Bane, kim.bane@eog.myflorida.com, (850)717-9224. 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: Kim Bane, kim.bane@eog.myflorida.com, (850)717-9224.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

The Florida Barbers' Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 30, 2022, 10:00 a.m. EST

PLACE: CONFERENCE NUMBER: 1(888)585-9008, PARTICIPANT CODE: 241687833.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 2601 Blair Stone, 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 5 days before the workshop/meeting by contacting: Florida Barbers' Board, 2601 Blair Stone, 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: Florida Barbers' Board, 2601 Blair Stone, Tallahassee, Florida, 32399, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

The Florida Board of Cosmetology announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 24, 2022, 10:00 a.m.

PLACE: You can dial in using your phone. United States: (571)317-3116, Access Code: 952-476-853 or you can join online at <https://meet.goto.com/Cosmo-Barbers-BCAIB-CAMs>

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Florida Board of Cosmetology, 2601 Blair Stone, 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 5 days before the workshop/meeting by contacting: Florida Board of Cosmetology, 2601 Blair Stone, 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: Florida Board of Cosmetology, 2601 Blair Stone, Tallahassee, Florida, 32399, (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

The Office of Greenways and Trails, Division of Recreation and Parks, State of Florida Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2022, 5:00 p.m. – 7:00 p.m. - CANCELLED

PLACE: Dunedin Public Library, 223 Douglas Ave, Dunedin, FL 34698 - CANCELLED

DATE AND TIME: October 5, 2022, 5:00 p.m. – 7:00 p.m. - CANCELLED

PLACE: Winter Garden City Hall, 300 W Plant St, Winter Garden, FL 34878 - CANCELLED

DATE AND TIME: October 10, 2022, 5:00 p.m. – 7:00 p.m. - CANCELLED

PLACE: Selby Public Library, 1331 1st St, Sarasota, FL 34236 - CANCELLED

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public meetings noticed in the Florida Administrative Register on September 13, 2022 (Volume 48/178) have been cancelled. These meetings were for the purpose of receiving comments from the public regarding draft updates to the Opportunity and Priority Maps for Florida's network of non-motorized land-based trails and will be rescheduled at a later date.

A copy of the agenda may be obtained by contacting: Samantha Browne at (850)245-2076 or Samantha.Browne@floridadep.gov.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

The Board of Clinical Laboratory Personnel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 15, 2022, 9:00 a.m.

PLACE: <https://meet.goto.com/783807229>

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business to include licensure.

A copy of the agenda may be obtained by contacting: <https://floridasclinicallabs.gov>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: 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: MQA.Clinicallab@flhealth.gov.

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>.

DEPARTMENT OF HEALTH

Board of Nursing

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

DATE AND TIME: October 13, 2022, 1:30 p.m. ET

PLACE: PLACE: Toll Free Number: 1(888)585-9008, 275-112-502

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Probable Cause Panel meeting for public disciplinary cases.

A copy of the agenda may be obtained by contacting: <https://floridasnursing.gov/meeting-information/upcoming-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 48 hours before the workshop/meeting by contacting: (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support

The Bureau of Emergency Medical Oversight's Data Section announces a workshop to which all persons are invited.

DATE AND TIME: Friday, September 30, 2022, 9:30 a.m. – 11:30 a.m.

PLACE: *** CANCELLED ***

Virtual meeting via Microsoft Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGY1MGFhZjEtNWZiOC00YzIzLWIwZTEtOGM4NmUwZDdiY2Iw%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%222a5f3d14-06cd-4b4d-8f2d-6f67624fd0d6%22%7d, Meeting ID: 297 495 881 232, Passcode: mDsX5E

Join with a video conferencing device: teams@meetme.flhealth.gov, Video Conference ID: 115 016 695 3

Or call in (audio only) (850)792-1375, 378973994# United States, Tallahassee, Phone Conference ID: 378 973 994#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

CANCELLED DUE TO HURRICANE IAN RESPONDER ACTIVATIONS

General work session to review the draft business rules for V3.5 New Elements only.

A copy of the agenda may be obtained by contacting: Brenda Clotfelter through email at Brenda.Clotfelter@flhealth.gov or Ty Carhart through email at Ty.Carhart@flhealth.gov or by phone at (850)558-9549.

For more information, you may contact: Brenda Clotfelter through email at Brenda.Clotfelter@flhealth.gov or Ty Carhart through email at Ty.Carhart@flhealth.gov or by phone at (850)558-9549.

RK&K

The Hillsborough County announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2022, 5:30 p.m. – 7:30 p.m. (in-person) and meeting materials will be provided on the project website from October 11, 2022 to October 24, 2022

PLACE: In-person at Veterans Memorial Park, 3602 US-301, Tampa FL 33619, 5:30 p.m. – 7:30 p.m.; Online through a computer, tablet, or mobile device (visit HCFLGov.net/HCEngage from October 11-24).

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Hillsborough County, in coordination with the Florida Department of Transportation, District 7, invites you to a public meeting for the Tampa Bypass Canal Trail Project Development & Environment (PD&E) Study from N. 34th Street to Bruce B. Downs Boulevard (County Road 581), CIP# 69660000 and Financial Project ID: 439482-1-28-01.

The PD&E Study is evaluating and documenting potential engineering and environmental effects of any proposed improvements. The project goals are to provide recreational and social opportunities for residents and visitors, connecting the communities of New Tampa, Temple Terrace, East Lake/Orient Park, and Palm River along the trail to each other as well as to the resources in North Tampa, South Tampa, and Hillsborough County. This facility is intended to serve as part of the State’s SUN Trail system as a planned regional multi-use trail connection between Zephyrhills and Tampa. This trail and future trail network will serve all residents and visitors to Tampa, New Tampa, and surrounding communities looking for safe, natural areas to bicycle, walk and hike.

Hillsborough County offers two ways to view project information and submit comments: in-person or by viewing meeting materials on the project website. The same material will be displayed at both the in-person meeting and online.

IN-PERSON OPTION: On October 11, 2022, the in-person open house will be held at Veterans Memorial Park at 3602 US-301, Tampa FL 33619, 5:30 p.m. – 7:30 p.m. Attendees who are not feeling well should not attend the in-person meeting.

ONLINE OPTION: All meeting materials, including the presentation, will be available online at on October 11, 2022. The community will be able to view study information, provide feedback, and ask the study team questions on the proposed trail by visiting the County’s Engagement and Education Hub at HCFLGov.net/HCEngage.

For more information on all options to attend the upcoming public meeting, contact Hillsborough County Project Manager, Manny Santos, E.I, by phone at 1(813)307-1921, or email at SantosM@HillsboroughCounty.org.

While comments about the project are accepted at any time, please note that comments must be received or postmarked by October 24, 2022, to be included in the formal public meeting record. Comments may be submitted on the project website or sent to Hillsborough County Project Manager, Manny Santos, E.I, by phone at 1(813)307-1921, or email at SantosM@HillsboroughCounty.org.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. People who have question or concerns about these items, require special accommodations under the Americans with Disabilities Act, or who require translation services (free of charge) should contact Albert Coleman, Hillsborough County Equal Opportunity Coordinator, at 1(813)272-6554, or email at ColemanA@HCFLGov.net at least seven days prior to the public meeting.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §

327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: Manny Santos, E.I, Hillsborough County Project Manager, by phone at 1(813)307-1921, or email at SantosM@HillsboroughCounty.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 7 days before the workshop/meeting by contacting: Albert Coleman, Hillsborough County Equal Opportunity Director by email at ColemanA@HCFLGov.net or by phone at 1(813)272-6554. 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: Manny Santos, E.I, Hillsborough County Project Manager, by phone at 1(813)307-1921, or email at SantosM@HillsboroughCounty.org.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

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

WILLIAM D. SHEPHERD

Petitioner,

vs.

DEPARTMENT OF MANAGEMENT SERVICES,

Respondent

DIVISION OF RETIREMENT; CASE NO.: 22-2907RU

ALPHA SCHOOL OF MASSAGE, INC.,

Petitioner,

vs.

STATE OF FLORIDA, BOARD OF MASSAGE THERAPY

Respondent

CASE NO.: 22-2943RU; RULE NO.: 64B7-32.001

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

EXPRESSWAY AUTHORITIES

Miami-Dade Expressway Authority "MDX"
 REQUEST FOR PROPOSAL (RFP)
 REQUEST FOR PROPOSAL (RFP)
 MDX PROCUREMENT/CONTRACT NO.: RFP-23-01
 MDX PROJECT/SERVICE TITLE: SYSTEMWIDE
 AESTHETIC MAINTENANCE

This Procurement Process is subject to the Cone of Silence in accordance with MDX's Procurement Policy.

A Non-Mandatory Pre-Bid Conference is scheduled at 10:00 a.m. Eastern Time on October 19, 2022.

The Deadline for submitting a Bid Package is 2:00 p.m. Eastern Time on November 17, 2022.

For detailed information please visit the MDX Procurement Department website at <https://www.mdxway.com/business/solicitations> or call the MDX Procurement Department at (305)637-3277 for assistance.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Application Period for Advanced Cleanup (AC)
 The Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept AC applications for Individual and Bundled sites submitted between November 1, 2022, and on or before 5:00 p.m. on December 30, 2022. Public opening of timely submitted AC

applications shall be on January 6, 2023, beginning at 10:00 a.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Conference Room 433, Tallahassee, Florida. Any updates to the AC forms and guidance will be posted on the Petroleum Restoration (PRP) website by November 1, 2022. Please use the following link to access that information:

<https://floridadep.gov/waste/petroleum-restoration/content/advanced-cleanup-program-ac>
 Dona Milinkovich, Petroleum Restoration Program AC Coordinator, is the point of contact for the AC Program. Please direct inquiries regarding the AC process (but no pre-bids or bidding information) to: Dona Milinkovich, Department of Environmental Protection, Petroleum Restoration Program, 2600 Blair Stone Road, MS 4530, Tallahassee, Florida 32399-2400, phone: (850)245-8872, or email: Dona.Milinkovich@floridadep.gov.

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, September 23, 2022 and 3:00 p.m., Friday, September 30, 2022.

Rule No.	File Date	Effective Date
5BER22-4	9/27/2022	9/27/2022
5JER22-5	9/28/2022	9/28/2022
5KER22-3	9/27/2022	9/27/2022
34-8.001	9/23/2022	1/1/2023
34-8.002	9/23/2022	1/1/2023
34-8.008	9/23/2022	1/1/2023
34-8.202	9/23/2022	1/1/2023
34-8.208	9/23/2022	1/1/2023
40B-3.021	9/28/2022	10/18/2022
40B-3.051	9/28/2022	10/18/2022
40B-3.0201	9/28/2022	10/18/2022
40B-3.521	9/28/2022	10/18/2022
53ER22-61	9/23/2022	10/1/2022
60AER22-3	9/27/2022	9/27/2022

60LER22-1	9/26/2022	9/26/2022
60LER22-2	9/26/2022	9/26/2022
61G19-10.001	9/29/2022	10/19/2022
61G5-24.002	9/29/2022	10/19/2022
61G5-24.006	9/29/2022	10/19/2022
61H1-36.005	9/23/2022	10/13/2022
64B16-26.103	9/29/2022	10/19/2022
64B16-26.1031	9/29/2022	10/19/2022
69B-211.002	9/27/2022	10/17/2022
69O-200.011	9/23/2022	10/16/2022
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-6.001	5/10/2022	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****
69L-7.020	10/22/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

Florida Department of Agriculture and Consumer Services
2022-2023 Annual Rulemaking and Regulatory Plan

On September 30, 2022, the Florida Department of Agriculture and Consumer Services published its 2022-2023 Annual Rulemaking and Regulatory Plan on its website as required by

section 120.74, Florida Statutes. The Plan can be accessed online at <https://www.fdacs.gov/Divisions-Offices/General-Counsel/FDACS-Regulatory-Plans>.

DEPARTMENT OF CORRECTIONS

NOTICE OF PUBLICATION OF REGULATORY PLAN

Pursuant to subparagraph 120.74(2)(a)3., Florida Statutes, notice is hereby given that the Department of Corrections published its 2022-2023 Regulatory Plan on its website on September 29, 2022, pursuant to subparagraph 120.74(2)(a)1., Florida Statutes. The following hyperlink provides direct access to the 2022-2023 Regulatory Plan of the Department of Corrections: <http://www.dc.state.fl.us/pub/regulatory/2022-2023%20Regulatory%20Plan.pdf>

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need**

NOTICE OF FIXED NEED POOLS FOR COMMUNITY NURSING HOME BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for community nursing home beds for July 2025 pursuant to the provisions of Section 408.034(5), Florida Statutes and Rules 59C-1.008 and 59C-1.036, F.A.C. Net bed need projections for community nursing home beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 2, C-1, MS 28, Tallahassee, Florida, 32308, on or before 5pm, October 17, 2022.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee,

Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Community Nursing Home Bed Need

	<u>Bed Need</u>		
District 1		Subdistrict	
Subdistrict		2	0
1	0	District 6	
Subdistrict		Subdistrict	
2	0	1	0
Subdistrict		Subdistrict	
3	0	2	0
District 2		Subdistrict	
Subdistrict		3	0
1	0	Subdistrict	
Subdistrict		4	0
2	0	Subdistrict	
Subdistrict		5	0
3	0	District 7	
District 3		Subdistrict	
Subdistrict		1	0
1	0	Subdistrict	
Subdistrict		2	0
2	0	Subdistrict	
Subdistrict		3	0
3	0	Subdistrict	
Subdistrict		4	0
4	0	District 8	
Subdistrict		Subdistrict	
5	0	1	0
District 4		Subdistrict	
Subdistrict		2	0
1	0	Subdistrict	
Subdistrict		3	0
2	0	Subdistrict	
Subdistrict		4	0
3	0	Subdistrict	
Subdistrict		5	0
4	0	District 9	
Subdistrict		Subdistrict	
5	0	1	0
Subdistrict		Subdistrict	
6	0	2	0
District 5		Subdistrict	
Subdistrict		3	0
1	0	Subdistrict	
Subdistrict		4	0
2	0	Subdistrict	
Subdistrict		5	0
3	0	District	
Subdistrict		10	0
District 5		District 11	
Subdistrict		Subdistrict	
1	0	1	0

Subdistrict	
2	0
Total	
Statewide	78

DEPARTMENT OF MANAGEMENT SERVICES
Public Employees Relations Commission
Notice of Publication of 2022-2023 Regulatory Plan
NOTICE IS HEREBY GIVEN that on September 29, 2022, the Public Employees Relations Commission (PERC) published its 2022-2023 Regulatory Plan in accordance with Section 120.74(2), Florida Statutes. The Regulatory Plan is available on PERC’s website at http://perc.myflorida.com/annual_regulatory_plan_2022-2023.pdf.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notice of Publication of 2022-2023 Regulatory Plan
NOTICE IS HEREBY GIVEN that on September 26, 2022, the Department of Environmental Protection, the Board of Trustees of the Internal Improvement Trust Fund, and the Florida Communities Trust published their 2022-2023 Regulatory Plans on the Department of Environmental Protection’s website in accordance with Section 120.74, F.S. The Regulatory Plans and certifications are available on the Department’s website at <https://floridadep.gov/ogc/ogc/content/rules>.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary
Florida State Clearinghouse
 The state is coordinating reviews of federal activities and federally funded projects as required by subsection 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments and deadlines, and the address for providing comments, are available at: <https://fldep.dep.state.fl.us/clearinghouse/>. For information, call (850)717-9076. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF JUVENILE JUSTICE
NOTICE OF PUBLICATION OF 2022-2023 REGULATORY PLAN
 Pursuant to subparagraph 120.74(2)(a)3., Florida Statutes, notice is hereby given that on September 29, 2022, the Florida Department of Juvenile Justice published its Regulatory Plan for 2022-2023 on its website. The Regulatory Plan is available at: <https://www.djj.state.fl.us/content/download/54628/file/DJJ%20Annual%20Regulatory%20Plan%202022-2023.pdf>.

FLORIDA HOUSING FINANCE CORPORATION
Regulatory Plan for 2022-2023
NOTICE IS HEREBY GIVEN that on September 28, 2022, the Florida Housing Finance Corporation published its 2022-2023 Regulatory Plan on its website and submitted its Regulatory Plan to the Joint Administrative Procedures Committee. A copy of the plan may be obtained on Florida Housing’s website at <https://www.floridahousing.org/press/press-releases/newsroom-library/annual-regulatory-plansub/annual-regulatory-plan> or by contacting the Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

DEPARTMENT OF FINANCIAL SERVICES
Notice of Publishing Annual Regulatory Plan
NOTICE IS HEREBY GIVEN that on September 29, 2022, the Department of Financial Services published its 2022-2023 Annual Regulatory Plan on the Department’s website at <https://myfloridacfo.com/rulemaking-regulatory-plans/>.

DEPARTMENT OF FINANCIAL SERVICES
OIR – Insurance Regulation
Regulatory Plan
 Pursuant to section 120.74(2)(a)3., F.S., the Office of Insurance Regulation is providing notice it published the agency’s regulatory plan on September 29, 2022, which is located at <https://floir.com/docs-sf/default-source/floir-documents/2022-2023-regulatory-plan.pdf>.

DEPARTMENT OF FINANCIAL SERVICES
FSC - Financial Institution Regulation
Division of Financial Institutions
NOTICE OF FILINGS
Financial Services Commission
Office of Financial Regulation
September 30, 2022
 Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel’s Office
Tallahassee, Florida 32314-8050		The Fletcher Building, Suite 504
Phone: (850)410-9889		101 East Gaines Street
Fax: (850)410-9663		Tallahassee, Florida 32399-0379
		Phone: (850)410-9889

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the Agency Clerk no later than seven (7) days prior to the filing deadline or proceeding, at the Office of Financial Regulation, The Fletcher Building, Suite 118, 101 East Gaines Street, Tallahassee, Florida 32399-0379, Phone: (850)410-9889, or by Email: agency.clerk@flofr.com.

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 21, 2022):

APPLICATION WITHDRAWN

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Multi-Bank, 2400 East Commercial Boulevard, (Suite to be determined), Ft. Lauderdale, Broward County, Florida 33308

Correspondent: A. George Iglar, Iglar Pearlman, P.A., 2457 Care Drive, Suite 203, Tallahassee, Florida 32308

Received: October 2, 2020

Withdrawn: September 26, 2022

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA

Federal Reserve Bank of Atlanta, Atlanta, GA

Comptroller of the Currency, Atlanta, GA

Florida Bankers Association, Tallahassee, Florida

A. George Iglar

William Berg

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.
