

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Division of Hotels and Restaurants**

RULE NO.:       RULE TITLE:

61C-3.001       Sanitation and Safety Requirements

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to provide guidelines for proof of compliance with s. 509.211(5), F.S.

SUBJECT AREA TO BE ADDRESSED: Proof of Compliance with employee background screening requirement for licensed transient apartments and nontransient apartments.

RULEMAKING AUTHORITY: 509.032, 509.2112, F.S.

LAW IMPLEMENTED: 509.032, 509.211, 509.2112, 509.221, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Keith; Division of Hotels and Restaurants, Department of Business and Professional Regulation, 2601 Blair Stone Rd., Tallahassee, FL 32399-1011; DHR.Rules@myfloridalicense.com; (850)717.1290.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:       RULE TITLE:

62-342.700       Financial Responsibility

PURPOSE AND EFFECT: Section 3, chapter 2022-215, Laws of Florida, directed the Department of Environmental Protection to adopt and modify rules adopted pursuant to ss. 373.4136 and 373.414, Florida Statutes, to ensure that required financial assurances are equivalent and sufficient to provide for the long-term management of mitigation permitted under ss. 373.4136 and 373.414, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Financial assurance is a required component in the establishment and operation of a mitigation bank pursuant to s. 373.4136, Florida Statutes. This rule development is intended to clarify and update the current requirements.

RULEMAKING AUTHORITY: Chapter 2022-215, section 3, Laws of Florida; sections 373.4131, 373.4135(1), 373.4136(11), 373.414, F.S.

LAW IMPLEMENTED: Sections 373.4131, 373.4135, 373.4136, 403.0877, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Kendall, Division of Water Resource Management, MS #2500, 2600 Blair Stone Road, Tallahassee, FL 32399, or by email at Donna.Kendall@FloridaDEP.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:       RULE TITLE:

62-555.319       Permit Requirements for Advanced  
Treatment Water Facility

PURPOSE AND EFFECT: Revisions to Chapter 62-555, Florida Administrative Code (F.A.C.), are being considered to ensure proper regulation for the use of reclaimed water in the State of Florida. Particular attention for the implementation of Potable Reuse programs in Public Water Systems is important for these revisions proposed to Chapter 62-555, F.A.C. The Department previously published a “Notice of Development of Rulemaking” on December 04, 2020, December 21, 2020, May 19, 2021, and June 28, 2021.

SUBJECT AREA TO BE ADDRESSED: The Department is proposing amendments to Chapter 62-555, F.A.C, entitled Permitting, Construction, Operation, and Maintenance of Public Water Systems, which regulates the establishment, continual operation, and expansion of Public Water Systems. The proposed revisions will update the Chapter to be consistent with other title 62 chapters, correct regulatory references, clarify current language, as well as identify the requirements for implementing treated reclaimed water as a source for Public Water Systems.

RULEMAKING AUTHORITY: 403.064(18), F.S.

LAW IMPLEMENTED: 403.064(18), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kendra F. Goff, Deputy Director, Division of Water Resource Management, MS 3520 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8656 or by email at Kendra.Goff@FloridaDEP.gov  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II**  
**Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE NOS.:	RULE TITLES:
5L-1.001	General Requirements and Intent
5L-1.002	Definitions
5L-1.003	Shellfish Harvesting Area Standards
5L-1.006	Compliance and Penalties
5L-1.007	Container Identification; Prohibitions
5L-1.008	Shellfish Handling

**PURPOSE AND EFFECT:** The proposed rule amendments will reclassify some shellfish harvesting areas to protect the health of shellfish consumers and to provide access to renewable shellfish resources. The proposed rule amendment will also clarify requirements related to commercial shellfish activities. The rulemaking updates the National Shellfish Sanitation Program Model ordinance to the 2019 revision, defines the terms “Authorized User” and “Harvest,” adds language to allow offshore aquaculture leases to be classified as approved if a sanitary survey shows no impact to microbiological water quality, clarifies the rules for possession of shellfish in closed areas, revises the penalty structure for willful violations that endanger public health and safety, clarifies tagging requirements, and requires all commercial harvesters and Aquaculture Certificate of Registration holders to have a license available for inspection while conducting commercial shellfish activities.

**SUMMARY:** The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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 economic analysis of adverse impacts and potential regulatory costs of the proposed rule not exceeding any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department reviewed the proposed

expansion of the Shellfish Processor rule and penalty structure for willful violations which pose significant risk to public health, and the modification of Shellfish Harvesting Area boundaries required to remain in compliance with U.S. Food and Drug Administration rules. The Department found no adverse financial impacts to the industry. The proposed rule changes do not require additional fees. No interested party submitted additional information regarding the economic impact. The proposed rule changes do not require additional fees. No interested party submitted additional information regarding the economic impact.

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

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

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

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

**RULEMAKING AUTHORITY:** 397.2522, 500.09, 597.020 F.S.

**LAW IMPLEMENTED:** 397.2522, 500.09, 597.020 F.S.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Charlie Culpepper, Division of Aquaculture, 600 S Calhoun Street, Suite 217, Tallahassee, FL, 32301, Phone: (850)617-7600.

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

5L-1.001 General Requirements and Intent.

(1) through (5) No Change.

(6) Adoption of Federal Regulations and Standards – To the extent not inconsistent with the rules herein, the following are hereby incorporated and adopted. The documents are available online as indicated.

(a) through (b) No change

(c) The Purpose, the Definitions, and Chapters 1 through 13, and 15 through 16 of the “Model Ordinance” of the National Shellfish Sanitation Program (NSSP), Guide for the Control of Molluscan Shellfish, 2019 ~~2017~~ Revision, herein adopted and

incorporated by reference are available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14652>

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-10369>~~. Except for:

1. Definition number (16)(d) Reshipper; and,
2. Definition number (101) Reshipper.

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 11-5-92, Formerly 16R-7.001, Amended 7-3-95, 2-6-97, 6-23-99, Formerly 62R-7.001, Amended 8-9-00, 5-29-02, 4-26-10, 3-23-17, 5-7-19,\_\_\_\_\_.

5L-1.002 Definitions.

(1) through (4) No change.

(5) Authorized User – an Aquaculture Certificate of Registration holder authorized by an aquaculture leaseholder to operate on the sovereign submerged state land aquaculture leases and listed on a valid Aquaculture Leaseholder and Authorized User Acknowledgment form.

(5) through (27) renumbered to (6) through (28).

(29) Harvest – removal and subsequent possession of shellstock. Temporary possession of shellfish for the purpose of culling shall not constitute harvesting if after culling undersized shellstock are immediately returned to the water in the same shellfish harvesting area.

(28) through (70) renumbered to (30) through (72).

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 11-5-92, 5-20-93, Formerly 16R-7.003, Amended 7-3-95, 5-8-96, 2-6-97, 6-23-99, Formerly 62R-7.003, Amended 8-9-00, 5-29-02, 3-23-17, 4-2-19, .

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the NSSP Model Ordinance. Copies of the Shellfish Harvesting Area Classification Boundaries and Management Plans, (FDACS-P-01593, Revised August 2022~~February 2020~~), containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria are hereby incorporated by reference, and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14651> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-12668>~~, or may be obtained by contacting the Division of Aquaculture, Holland Building, 600 South Calhoun Street, Suite 217, Tallahassee, Florida 32399.

(2) Approved harvest areas – An area shall be classified as approved when a sanitary survey, conducted in accordance with

Chapter IV of the NSSP Model Ordinance, indicates that pathogenic microorganisms, radionuclides, and/or harmful industrial wastes do not reach the area in dangerous concentrations and this is verified by laboratory findings whenever the sanitary survey indicates the need. Shellfish may be harvested from such areas for direct marketing. This classification is based on the following criteria:

(a) through (b) No Change.

(c) Offshore state waters greater than three nautical miles from the shore are classified as approved if a sanitary survey, conducted within twelve years, shows there are no pollution sources that will impact the microbiological water quality.

(3) through (8) No Change.

(9) The possession of shellfish in Closed Areas is prohibited.

(a) This subsection shall not apply to harvesters operating vessels containing shellfish, tagged in accordance with Rule 5L-1.007, F.A.C., only if the vessel is proceeding in a continuous and direct route through a Closed Area to a vessel landing area and Shellfish Processor.

(b) This subsection shall not apply to aquaculture leaseholders or Authorized Users, or employees thereof, operating within the boundaries of an authorized aquaculture lease.

(9) through (10) renumbered to (10) through (11).

AREA

NUMBER	HARVEST AREA NAME
0222	Pensacola Bay Conditionally Approved Escambia Bay
0232	Pensacola Bay Conditionally Approved East Bay
0622	Choctawhatchee Bay Conditionally Approved Central Section
0632	Choctawhatchee Bay Conditionally Approved Eastern Section
0822	West Bay Conditionally Approved
1012	North Bay Conditionally Approved Western Section
1022	North Bay Conditionally Approved Eastern Section
<del>1206</del>	<del>East Bay Conditionally Restricted Section</del>
1212	East Bay Conditionally Approved Section 1
<del>1222</del>	<del>East Bay Conditionally Approved Section 2</del>
1401	St. Joseph Bay Approved
1506	Indian Lagoon Conditionally Restricted Winter Nov – Feb
1512	Indian Lagoon Conditionally Approved Spring/Fall Mar – Jun, Oct
1542	Indian Lagoon Conditionally Approved Zone A Winter Nov – Feb

1552	Indian Lagoon Conditionally Approved Zone B Winter Nov – Feb	5402	Sarasota Bay Conditionally Approved
1601	Apalachicola Bay System Approved Jan – May, Sept – Dec	5602	Lemon Bay Conditionally Approved
1611	Apalachicola Bay System Approved Jan – May, Sept – Dec	5802	Gasparilla Sound Conditionally Approved
1605	Apalachicola Bay System Zone A, Zone B, Zone C Jan – May, Sept – Dec	6002	Myakka River Conditionally Approved
1621	Apalachicola Bay System Approved June – Aug	6212	Pine Island Sound Conditionally Approved Section 1
1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer June – Aug	6222	Pine Island Sound Conditionally Approved Section 2
1612	Apalachicola Bay System Conditionally Approved Jan – May, Sept – Dec	<u>6232</u>	<u>Pine Island Sound Conditionally Approved Section 3</u>
1622	Apalachicola Bay System Conditionally Approved Jan – May, Sept – Dec	6602	Ten Thousand Islands Conditionally Approved
1632	Apalachicola Bay System Conditionally Approved Jan – May, Sept – Dec	7001	Indian River/St. Lucie Approved
1671	Apalachicola Bay System Approved Jun – Aug	7006	Indian River/St. Lucie Restricted
1642	Apalachicola Bay System Conditionally Approved Jan – May, Sept – Dec	7202	North Indian River Conditionally Approved
1652	Apalachicola Bay System Conditionally Approved June – Aug	7412	Body F Conditionally Approved
1662	Apalachicola Bay System Conditionally Approved June – Aug	7506	Body E Conditionally Restricted
1801	Alligator Harbor Approved	7602	Body D Conditionally Approved
2002	Ochlockonee Bay Conditionally Approved	7712	Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar – Nov
2006	Ochlockonee Bay Conditionally Restricted	7722	Body C Conditionally Approved Zone 2 Spring/Summer/Fall Mar – Nov
2206	Wakulla County Conditionally Restricted	7732	Body C Conditionally Approved Winter Dec – Feb
2212	Wakulla County Conditionally Approved Zone 1	7716	Body C Conditionally Restricted Winter Dec – Feb
2222	Wakulla County Conditionally Approved Zone 2	7726	Body C Conditionally Restricted Spring/Summer/Fall Mar – Nov
2502	Horseshoe Beach Conditionally Approved Winter Oct – Mar	7812	Body B Conditionally Approved
2802	Suwannee Sound Spring Summer Conditionally Approved Feb – May and Sept	7902	South Banana River Conditionally Approved
2812	Suwannee Sound Spring Winter Conditionally Approved Oct – Jan	7906	South Banana River Conditionally Restricted
3001	Cedar Key Approved	8001	Body A Approved
3012	Cedar Key Conditionally Approved Zone A	8005	Body A Restricted
3022	Cedar Key Conditionally Approved Zone B	8201	South Volusia Approved
3202	Waccasassa Bay Conditionally Approved	8212	South Volusia Conditionally Approved Zone 1
3402	Withlacoochee Bay Conditionally Approved	8222	South Volusia Conditionally Approved Zone 2
3701	Citrus County Approved Spring/Fall Mar – June and Oct	8206	South Volusia Conditionally Restricted
3702	Citrus County Conditionally Approved Winter Nov – Feb	8802	South St. Johns Conditionally Approved
4202	Boca Ciega Bay Conditionally Approved	9202	North St. Johns Conditionally Approved
4802	Lower Tampa Bay Conditionally Approved	9602	Duval County Conditionally Approved

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01(1), ~~40-14-01(4)~~, 8-17-04, 9-28-04, 9-5-05, 6-11-06, 3-11-07, 10-2-07, 4-14-08, 7-28-08, 5-5-09, 6-18-09, 12-28-09, 2-9-11, 8-19-12, 3-23-17, 6-28-18, 9-5-19, 5-4-20, \_\_\_\_.

5L-1.006 Compliance and Penalties.

(1) The Department shall initiate enforcement action as follows:

- (a) through (d) No change.

(e) Willful Violations Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to, encompass all possible violations of statute or Department rule by a Shellfish Processor that may adversely affect public health, safety, or welfare or that creates a significant threat of such harm. The absence of any violation from this rule shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. In any instance where the violation is not listed in Rule 5L-1, F.A.C., the penalty will be determined by consideration of:

1. The closest analogous violation, if any, that is listed in this rule; and

2. The mitigating or aggravating factors listed in this rule.

(f) Willful violations shall result in the imposition of an administrative fine of \$1,000 per violation, the suspension of Shellfish Processor certification, revocation of Shellfish Processor certification, or any combination thereof. The following shall constitute a willful violation by the shellfish processor:

1. The falsification of any records, tags or labels required under this rule or Chapter 5L-3, F.A.C.

2. The sale or distribution, or offering for sale or distribution, of any shellstock under recall order pursuant to Rule 5L-1.004(8), F.A.C.

3. Introducing adulterated or misbranded shellfish products into commerce.

4. The failure to oversee the receiving of shellstock from harvesters.

5. Deterring or preventing an employee of the Department from performing any duties authorized by law.

(e) through (f) renumbered (g) through (h)

(2) through (5) No change.

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

(a) Aggravating Factors:

1. The violation caused, or has the potential to cause, harm to the public and the degree or extent of such harm.

2. The violation endangered the public safety or welfare.

3. Previous violations for the same or a similar offense that resulted in enforcement action, including civil warning letters, notices of noncompliance or administrative complaints or any criminal action taken by law enforcement agencies.

4. The Shellfish Processor impeded, or otherwise failed to cooperate with, the Department's inspection and/or investigation.

5. The number and severity of other violations documented in the same proceeding.

6. The benefit to the Shellfish Processor.

(b) Mitigating Factors:

1. Any documented efforts by the violator at rehabilitation.

2. Whether actions of another party prevented the Shellfish Processor from complying with the applicable laws or rules.

3. Acts of God or nature that impaired the ability of the Shellfish Processor to comply with this rule chapter.

4. The violation has a low risk of, or did not result in, harm to the public health, safety, or welfare.

5. The violation history of the Shellfish Processor.

Rulemaking Authority 500.09, 597.020 FS. Law Implemented 500.09, 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, Formerly 16R-7.009, Amended 7-3-95, 2-6-97, Formerly 62R-7.009, Amended 8-9-00, 5-29-02, 3-23-17, \_\_\_\_.

5L-1.007 Container Identification; Prohibitions.

(1) through (2) No change.

(3) The commercial harvester's tags shall be white in color except as required in paragraph 5L-1.007(3)(i), F.A.C. Before leaving the specific shellfish harvesting area from which the product was harvested ~~harvest location~~, commercial harvester's tags shall be attached and contain legible waterproof indelible information required by paragraphs 5L-1.007(3)(a)-(i), F.A.C., arranged in the specific order as follows:

(a) through (d) No change.

(e) The identification of the harvest area using the four digit area number or name of the harvest area listed in subsection 5L-1.003(11), F.A.C., as well as the most precise identification within that area as practicable. Aquaculture product must also include the aquaculture lease or parcel number;

(f) through (i) No change.

(4) through (11) No change.

Rulemaking Authority 379.2522, 597.020 FS. Law Implemented 379.2522, 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, 10-14-01, 5-29-02, 8-17-04, 9-28-04, 7-28-08, 7-29-08, 4-26-10, 8-31-11, 3-23-17, 5-7-19, \_\_\_\_.

5L-1.008 Shellfish Handling.

(1) through (6) No change.

(7) A Commercial Harvester may not harvest, attempt to harvest, possess in or on Florida Waters or sell a wild shellfish unless they are harvesting pursuant to a valid saltwater products license with a shellfish endorsement, or Apalachicola Bay oyster harvesting license, issued by the Fish and Wildlife Conservation Commission.

(8) An aquaculture leaseholder or Authorized User, or employees thereof, may not operate on an aquaculture lease, or possess or sell aquacultured shellfish unless in possession of a valid Aquaculture Certificate of Registration, or a copy of the certificate.

(7) through (12) renumbered (9) through (14).

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, Formerly 16R-7.011, Amended 7-3-95, 2-6-97, 3-18-99, 6-23-99, Formerly 62R-7.011, Amended 8-9-00, 5-29-02, 7-29-08, 4-26-10, 8-31-11, 5-26-15, 3-23-17, 4-2-19,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Portia Sapp, Director of the Division of Aquaculture  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Nicole “Nikki” Fried  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2022  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 06/15/2022

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-4.009  
 RULE TITLE: Applications

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised application forms for licensure into the rule.

SUMMARY: The proposed rule amendment incorporates the revised application forms for licensure into the 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: : During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.013, 456.031, 456.033, 458.309, 458.311, 458.313, 458.3145, 458.3151, 458.345 FS.

LAW IMPLEMENTED: 456.013(1), (13), 456.0135, 456.031, 456.033, 456.039, 456.049, 456.50, 456.0635, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317, 458.320, 458.345, 766.314 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: Paul Vazquez, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, Paul.Vazquez@flhealth.gov

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

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference and can be obtained from the website at <http://www.flhealthsource.gov/mqa-services>. The application must be accompanied by the application fee.

(a) through (e) No change.

(f) DH-MQA 1079, entitled “Temporary Certificate for Visiting Physicians to Obtain Medical Privileges for Instruction Purposes in Conjunction with Certain Plastic Surgery, Medical or Surgical Training Programs and Educational Symposiums,” 10/2022 ~~4/2/20~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-42836>.

(g) through (i) No change.

(j) DH-MQA 5058, entitled “Temporary Certificate for Visiting Physicians in Cancer Centers,” 10/2022 ~~4/2/20~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-42840>.

(2) through (3) No change.

Rulemaking Authority 456.013, 456.031, 456.033, 458.309, 458.311, 458.313, 458.3145, 458.3151, 458.345 FS. Law Implemented 456.013(1), (13), 456.0135, 456.031, 456.033, 456.039, 456.049, 456.50, 456.0635, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317, 458.320, 458.345, 766.314 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09, 1-7-10, 5-18-10, 2-28-12, 1-27-13, 8-5-13, 11-10-13, 1-9-14, 7-15-14, 9-10-14, 12-2-14, 3-17-15, 5-19-15, 9-28-15, 11-11-15, 8-14-16, 9-26-16, 2-6-17, 11-6-17, 2-26-18, 3-3-19, 9-23-20, 4-11-21, 7-13-21,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Rules/Legislative Committee, Board of Medicine  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 7, 2022  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: October 27, 2022

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.019  
 RULE TITLE: Standards of Practice for the Treatment of Gender Dysphoria in Minors

PURPOSE AND EFFECT: The proposed new rule will set the practice standards for the treatment of gender dysphoria in minors.

SUMMARY: The new rule will set the practice standards for treatment of gender dysphoria in minors.

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

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

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

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

RULEMAKING AUTHORITY: 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v) 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: Paul Vazquez, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, Paul.Vazquez@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.019 Standards of Practice for the Treatment of Gender Dysphoria in Minors.

(1) The following therapies and procedures performed for the treatment of gender dysphoria in minors are prohibited.

(a) Sex reassignment surgeries, or any other surgical procedures, that alter primary or secondary sexual characteristics.

(b) Puberty blocking, hormone, and hormone antagonist therapies.

(2) Minors being treated with puberty blocking, hormone, or hormone antagonist therapies prior to the effective date of this rule may continue with such therapies.

Rulemaking Authority 458.331(1)(v) FS. Law Implemented 458.331(1)(v) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Rules/Legislative Committee, Board of Medicine  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: November 4, 2022  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: September 1, 2022

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.014  
 RULE TITLE: Standards of Practice for the Treatment of Gender Dysphoria in Minors

PURPOSE AND EFFECT: The proposed new rule will set the practice standards for the treatment of gender dysphoria in minors.

SUMMARY: The new rule will set the practice standards for treatment of gender dysphoria in minors

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

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

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

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

RULEMAKING AUTHORITY: 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(z) 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: Danielle Terrell, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by email at Danielle.Terrell@flhealth.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.014 Standards of Practice for the Treatment of Gender Dysphoria in Minors.

(1) The following therapies and procedures performed for the treatment of gender dysphoria in minors are prohibited.

(a) Sex reassignment surgeries, or any other surgical procedures, that alter primary or secondary sexual characteristics.

(b) Puberty blocking, hormone, and hormone antagonist therapies.

(2) Nonsurgical treatments for the treatment of gender dysphoria in minors may continue to be performed under the auspices of Institutional Review Board (IRB) approved, investigator-initiated clinical trials conducted at any of the Florida medical schools set forth in Section 458.3145(1)(i), Florida Statutes. Such clinical trials must include long term longitudinal assessments of the patients' physiologic and psychologic outcomes.

(3) Minors being treated with puberty blocking, hormone, or hormone antagonist therapies prior to the effective date of this rule may continue with such therapies.

Rulemaking Authority 459.015(1)(z) FS. Law Implemented 459.015(1)(z) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2022  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 1, 2022

**Section III**  
**Notice of Changes, Corrections and Withdrawals**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5L-1.001	General Requirements and Intent
5L-1.002	Definitions
5L-1.003	Shellfish Harvesting Area Standards
5L-1.006	Compliance and Penalties
5L-1.007	Container Identification; Prohibitions
5L-1.008	Shellfish Handling

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 48 No. 157, August 12, 2022 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64D-3.042	STD Testing Related to Pregnancy

**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. 145, July 27, 2022 issue of the Florida Administrative Register.

**64D-3.042 STD Testing Related to Pregnancy.**

(1) Practitioners attending a woman for prenatal care shall cause the woman to be tested for chlamydia, gonorrhea, hepatitis B, HIV and syphilis as follows:

(a) At initial examination related to her current pregnancy, ideally at first trimester; and

(b) At 28 to 32 weeks gestation; ~~and~~



~~(c) At delivery-~~

(2) Practitioners attending a woman for labor and delivery shall cause the woman to be tested for hepatitis B, HIV and syphilis.

~~(3)(2)~~ Exceptions to the testing outlined in subsections (1) and (2), above, are as follows:

(a) through (b) No change.

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

~~(6)(5)~~ Emergency departments of hospitals licensed under Chapter 395, F.S., upon identification of a pregnant woman not in prenatal care, may satisfy the testing requirements under this rule by testing for chlamydia, gonorrhea, hepatitis B surface antigen (HBsAg), HIV and syphilis at the time of the visit, unless the reason for the visit is labor and delivery, in which case testing for chlamydia and gonorrhea is not required. If, prior to discharge, the emergency department is unable to inform the patient of the test results or provide treatment based on those test results, the patient must be referred to a health care provider or county health department, along with test results and treatment documentation. Referrals must be completed as follows:

(a) through (b) No change.

(6) through (9) renumbered (7) thorough (10) No change.

Rulemaking Authority 381.003(2), 384.31, 384.33 FS. Law Implemented 381.0011, 381.003(1)(c), 384.31 FS. History—New 11-20-06, Amended 3-9-20,\_\_\_\_\_.

## Section IV Emergency Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Food Safety

RULE NO.: 5KER22-7  
 RULE TITLE: Cleaning and Sanitizing of Containers and Equipment

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** As a result of the effects on the supply and processing of Grade “A” milk caused by Hurricane Ian, extreme and unusual circumstances exist that hinder the marketability and availability of Grade “A” milk post Hurricane Ian to consumers throughout the State. Additionally, circumstances have arisen regarding the availability of trucks and trailers and have created an issue removing milk from dairy farms across the State and with the storage of raw milk in anticipation of normal demand post Hurricane Ian. Following the adoption of this emergency rule, waiving certain cleaning frequency requirements for milk tankers and equipment statewide will allow for adequate and rapid distribution and processing of Grade “A” milk, helping increase production of Grade “A” milk

to consumers and assisting the dairy industry through the hardship created by this storm. Stores have a very limited supply of Grade “A” products post Hurricane Ian and dairy farms will be forced to dump milk if the processing of these products cannot be expedited by this emergency rule. The exclusion shall be for Section 12p as specified in the Pasteurized Milk Ordinance adopted in Rule 5K-10.001. The Grade “A” milk plants have taken in milk with the intent to process after the storm has passed, due to the severity of this storm, the shutdown time may be extended leaving them with milk that is exceeding the 72-hour holding time requirement in the Pasteurized Milk Ordinance for cleaning storage silos. This milk would have to be disposed of to create room for new milk produced under current regulations. Additionally, it is still uncertain if milk will be able to make it to the plants in time to meet the demand that will soon follow. Allowing them to process on hand inventory will create an immediate supply ready to be distributed as needed and create tank space to receive more milk from the farms. No dairy farm will be able to stop milking lactating cows due to the storm. Lactating dairy cows must be milked or will suffer serious health implications, such as mastitis, that will cause them to be removed from the milking herd. This will create massive issues with herd health and milk supply in the future, well beyond the affects from Hurricane Ian. Extending the wash times on tankers will decrease the turn-around time at plants so hauling companies can immediately return to pick more milk up from the farm and get it to where it is needed. This emergency rule will also open receiving bays which can act as wash bays, to unload more milk for processing.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** This emergency rule was initiated at the request of milk plants to more adequately meet the anticipated needs of Florida consumers as a result of anticipated milk demand created by Hurricane Ian and the loss of production caused by the shutdown of plants in the State. The storm has disrupted the production and processing of milk in this state. This emergency rule will help alleviate distribution difficulties and shortages of milk anticipated from this event to provide relief to Florida.

**SUMMARY:** This emergency rule allows for the increased storage time of raw milk at Grade “A” plants by extending the time required between cleanings so long as specific requirements are met. Under Section 12p in the Pasteurized Milk Ordinance, it states that storage tanks shall be cleaned once a day or not to exceed seventy-two (72) hours. This increases that time to ninety-six (96) to allow processing of Grade “A” milk. Additionally, Appendix B, VI. Milk Tank Truck Permitting and Inspection states that under continuous use, milk tank trucks can pick up multiple loads within a 24-hour period, provided the milk tank truck is washed after each

day’s use. The provisions of this emergency rule would allow an additional 6 hours to account for logistical issues with transport; shortage of water for washes; and fuel availability issues. This should reduce or eliminate the need to dump milk for tankers that struggle to meet that these requirements. These are changes to the adopted requirements of the Pasteurized Milk Ordinance (PMO), 2017 Revision adopted in Rule 5K-10.001, F.A.C. would be in effect for the period beginning November 10, 2022, through November 16, 2022. The specific standards affected are below.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jennifer Lester, Chief, Bureau of Dairy Industry, 3125 Conner Blvd., Tallahassee, FL 32399, (850)879-8617.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5KER22-7 Cleaning and Sanitizing of Containers and Equipment

(1) Notwithstanding the Pasteurized Milk Ordinance (PMO), as adopted by Department Rule 5K-10.001, F.A.C., raw milk for pasteurization as a Grade “A” product may be stored for not more than 96 hours if the storage vessel:

(a) is an approved raw milk silo in a permitted FDACS Grade “A” entity;

(b) has 7-day temperature recording charts or electronic records that comply with Appendix H., IV. and V. of the PMO; and

(c) maintains constant temperature not to exceed 45 °F.

The milk received must comply with all other parts of the PMO. This shall be allowed for the time period of November 10, 2022, through November 16, 2022, and that product is to be used for pasteurization.

(2) Notwithstanding the PMO, bulk milk tankers used for the transportation of Grade “A” raw milk may continuously pick up multiple loads within a thirty (30) hour period without a wash between loads unless the previous load was deemed violative for inhibitor. If the previous load was deemed violative for inhibitor, the tanker must receive a full dairy wash at a permitted wash station before picking up additional milk.

(3) This emergency rule shall expire on November 16, 2022.

Rulemaking Authority 502.014 FS. Law Implemented 502.012, 502.014, 502.053, 502.091 FS. History – New 11/10/2022.

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: 11/10/2022

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:

40B-400.091 Publications and Agreements Incorporated by Reference

The Suwannee River Water Management District (SRWMD) hereby gives notice:

that on November 8, 2022, the SRWMD Governing Board issued an order granting a variance under permit ERP-121-239314-6, Wainwright Property Master Drainage Plan.

Petitioner’s Name: Don and Shera Wainwright - File Tracking No. 22-006

Date Petition Filed: October 4, 2022

Section No.: 3.4 of the Environmental Resource Permit Applicant’s Handbook, Vol II, incorporated by reference in rule 40B-400.091, F.A.C.

Nature of the rule for which variance or waiver was sought: construction of a master stormwater system in Live Oak, FL.

Date Petition Published in the Florida Administrative Register: October 7, 2022

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

A copy of the Order or additional information may be obtained by contacting:

Tilda Musgrove, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

RULE NO.: RULE TITLE:

62B-33.0051 oastal Armoring and Related Structures

NOTICE IS HEREBY GIVEN that on November 09, 2022, the Department of Environmental Protection, received a petition for variance or waiver pursuant to section 120.542, F.S. from 195 Phesten Associates Palm Beach, LLC. The petition requested a variance from rule paragraph 62B-33.0051(1)(a)3, F.A.C., which authorizes armoring where a gap exists that does not exceed 250 feet, between a line of rigid coastal armoring that is continuous on both sides of an unarmored property. The property is located at 977 South Ocean Boulevard, Palm Beach, Florida 33477. The petition has been assigned OGC #22-2821 and File No. PB-1424-AR.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Celora Jackson, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-2400; telephone 850-245-7668; e-mail Celora.A.Jackson@floridadep.gov, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. If you have any questions, please call the Coastal Construction Line Program Office at 850-245-2094. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

**DEPARTMENT OF HEALTH**

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-26.2031 Licensure by Examination (Non-U.S. Graduates); Application

NOTICE IS HEREBY GIVEN that on November 09, 2022, the Board of Pharmacy, received a petition for variance or waiver filed by Edwin A. Bayó, Esquire, on behalf of Ramanarasimha Reddy Gujjula, seeking a waiver of the requirement of subparagraph 64B16-26.2031(2)(b)1., Florida Administrative Code, which states in part that the applicant demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 550 for the pencil and paper test or 213 for the computer version and by passing the Test of Spoken English (TSE) with a score of 50 on the recalibrated TSE.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jessica Sapp, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or at info@Floridaspharmacy.gov. Comments on this petition should be filed with the Board of Pharmacy/MQA, within 14 days of publication of this notice.

**DEPARTMENT OF HEALTH**

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-27.410 Registered Pharmacy Technician to Pharmacist Ratio

NOTICE IS HEREBY GIVEN that on November 04, 2022, the Board of Pharmacy, received a petition for variance or waiver filed by Publix Super Markets, seeking a waiver of the requirement of subsection 64B16-27.410(5), Florida Administrative Code, which states in part that any pharmacy or any pharmacist may allow a supervision ratio of up to six (6) registered pharmacy technicians to one (1) pharmacist (6:1), as long as the pharmacist or registered pharmacy technicians are not engaged in sterile compounding.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jessica Sapp, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or at info@Floridaspharmacy.gov. Comments on this petition should be filed with the Board of Pharmacy/MQA, within 14 days of publication of this notice.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

Manatees

RULE NO.: RULE TITLE:

68C-22.026 Sarasota County Zones

The Florida Fish and Wildlife Conservation Commission hereby gives notice:

NOTICE IS HEREBY GIVEN that on November 07, 2022, the Florida Fish and Wildlife Conservation Commission issued an order granting Sarasota Ski-A-Rees, Inc. (“Ski-A-Rees”) a permanent variance, with conditions, from section (2)(a)4 of the Sarasota County manatee protection Rule (68C-22.026, Florida Administrative Code). The petition was filed with the Commission on August 09, 2022, and a notice of receipt was published in the Florida Administrative Register on August 10, 2022. Two public comments were received. The variance authorizes Ski-A-Rees to conduct show-ski operations and training in a portion of the City Island area that is designated as a slow speed zone. A variance was granted because the Commission determined (1) that a substantial hardship exists and (2) the purposes of the underlying statute would be achieved by other means, specifically through the setting of conditions and limitations on the activities.

A copy of the Order or additional information may be obtained by contacting: Ms. Michelle Pasawicz, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section 6A, 620 South Meridian Street, Tallahassee, FL 32399.

**Section VI**

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

DEPARTMENT OF STATE

Division of Arts and Culture

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

DATE AND TIME: December 6, 2022, 9:00 a.m.

PLACE: The meeting will be held via Zoom: <https://dos-myflorida.zoom.us/j/89214492202>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on recommendations for the Florida Folklife Award and any other items that come before the Council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken.

A copy of the agenda may be obtained by contacting: Dominic Tartaglia at dominic.tartaglia@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rachele Ashmore at 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).

REGIONAL PLANNING COUNCILS

Emerald Coast Regional Council

The Emerald Coast Local Emergency Planning Committee (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 16, 2022, 2:00 p.m.

PLACE: Florida Department of Health, 810 E James Lee Blvd., Crestview, FL 32539

GENERAL SUBJECT MATTER TO BE CONSIDERED: Please join us Nov 16th, 2022, from 2pm-4pm Central Time to start planning for the EC LEPCs Full-Scale HAZMAT exercise. This exercise will likely be conducted at the end of 2023 or in 2024.

The meeting will be held in person at the FDOH in Okaloosa County offices, located at: Florida Dept of Health, 810 E James Lee Blvd, Crestview, FL 32539.

You can also participate virtually, if needed

<https://meet.goto.com/ECRC-PensacolaConference>

or call: +1 (646) 749-3122

Access Code: 860-454-141

Please bring your ideas and your interested parties.

The link to the current LEPC Regional HAZMAT Plan to be tested is:

[https://ecrc.org/programs/community\\_and\\_economic\\_development/emergency\\_planning/west\\_florida\\_local\\_emergency\\_planning\\_committee/regional\\_hazmat\\_plan.php](https://ecrc.org/programs/community_and_economic_development/emergency_planning/west_florida_local_emergency_planning_committee/regional_hazmat_plan.php)

Please see Eplan.net for the 2021 Tier II facilities (LEPC members and response agencies can sign up for access; approval may take a few days).

and related data subsets such as:

- the Section 302 facilities - those with Extremely Hazardous Substances (EHS) and

- the Risk Management Program (RMP) facilities- those with certain extremely toxic or extremely flammables.

Participation is asked for without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who believe they have been discriminated against on these conditions may file a complaint with the Title VI Coordinator, 850-332-7976.

A copy of the agenda may be obtained by contacting: Debbie Thayer, debbie.thayer@ecrc.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 48 hours before the workshop/meeting by contacting: Public Involvement at publicinvolvement@ecrc.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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: \*Date Change\* November 17, 2022, 1:00 p.m. ET

PLACE: 11351 ULMERTON RD, ROOM 142B, LARGO FLORIDA, 33778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid & South Pinellas Council Business

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: (850)414-2323, or email: [lrcopinformer@elderaffairs.org](mailto:lrcopinformer@elderaffairs.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).

DEPARTMENT OF ELDER AFFAIRS

Office of Public and Professional Guardians

The Foundation for Indigent Guardianship announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 13, 2022, 1:00 p.m. – 3:00 p.m.

PLACE: Microsoft Teams; Join on your computer or mobile app by copying and pasting the link below in your browser: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NDg5YWJlZWItODhjZi00ZTg5LWJhMjYmYzNDYzYzQwMTQ%40thread.v2/0?context=%7b%2](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDg5YWJlZWItODhjZi00ZTg5LWJhMjYmYzNDYzYzQwMTQ%40thread.v2/0?context=%7b%2)

2Tid%22%3a%22f75a7744-d4bf-4623-8660-bcfa3569c2a0%22%2c%22Oid%22%3a%2226c7b903-10d6-406a-86b5-b0263ee9aa9a%22%7d

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Board of Directors updates relative to the Foundation for Indigent Guardianship

A copy of the agenda may be obtained by contacting: Charles Alkire, via email at: Charles.Alkire@verizon.net.

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: (850)414-2381. 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).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Alcoholic Beverages and Tobacco

**RULE NO.: RULE TITLE:**

61A-3.055 Items Customarily Sold in a Restaurant.

The Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco announces a hearing to which all persons are invited.

**DATE AND TIME:** Thursday, December 1, 2022, 1:00 p.m. – 5:00 p.m., or until hearing adjourns. The record of this rule hearing will remain open for the receipt of written comments through 5:00 p.m. on Monday, December 5, 2022.

**PLACE:** 2601 Blair Stone Road, Building C, Room C107, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Public hearing regarding proposed language for Rule 61A-3.055, F.A.C.

A copy of the agenda may be obtained by contacting: Jason Holman, Counsel for Compliance and Regulatory Affairs, at (850)717-1314 or Jason.Holman@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jason Holman, Counsel for Compliance and Regulatory Affairs, at (850)717-1314 or Jason.Holman@myfloridalicense.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: Jason Holman, Counsel for Compliance and Regulatory Affairs, at (850)717-1314 or Jason.Holman@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Electrical Contractors' Licensing Board

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

**DATES AND TIMES:** Tuesday, December 13, 2022, 10:00 a.m.; Wednesday, December 14, 2022, 10:00 a.m.

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

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Tuesday, December 13, 2022, 10:00 a.m.: Application Review;  
Wednesday, December 14, 2022, 10:00 a.m.: Application Review.

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

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

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

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

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**DEPARTMENT OF HEALTH**

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 30, 2022, 9:00 a.m.

**PLACE:** Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/489003269>

You can also dial in using your phone.

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

Access Code: 489-003-269

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General board business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sandra Williams, Program Operations Administrator by phone at (850)901-6481, by email at [sandra.williams3@flhealth.gov](mailto:sandra.williams3@flhealth.gov) or by mail at 4052 Bald Cypress Way, Bin C-08, Tallahassee, FL 32399.

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

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

For more information, you may contact: Sandra Williams, Program Operations Administrator by phone at (850)901-6481, by email at [sandra.williams3@flhealth.gov](mailto:sandra.williams3@flhealth.gov) or by mail at 4052 Bald Cypress Way, Bin C-08, Tallahassee, FL 32399.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

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

**DATES AND TIMES:** November 30, 2022, 8:30 a.m.; December 1, 2022, 8:30 a.m.

**PLACE:** Bluegreen's Bayside Resort and Spa, 4144 Jan Cooley Drive, Panama City, Florida 32408

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Fish and Wildlife Conservation Commission (FWC) will have a meeting to review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues. The meeting may include fact finding field trips to Commission managed areas or facilities and to other areas to learn generally about management, and enforcement activities.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by

contacting: the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

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**PASCO-PINELLAS AREA AGENCY ON AGING**

The AREA AGENCY ON AGING OF PASCO-PINELLAS INC. announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 21, 2022, 9:30 a.m.

**PLACE:** 9549 Koger Blvd, Suite 100, St Petersburg, FL 33702 and Via Teams Platform

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Virginia Joseph at (727)570-9696 Ext: 233 or email: [virginia.joseph@aaapp.org](mailto:virginia.joseph@aaapp.org).

For more information, you may contact: Virginia Joseph at (727)570-9696 Ext: 233 or email: [virginia.joseph@aaapp.org](mailto:virginia.joseph@aaapp.org).

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**GULF CONSORTIUM**

The Executive Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 16, 2022, 4:30 p.m. ET

**PLACE:** This meeting will be conducted exclusively via teleconference. Interested persons may participate by telephone via the following:  
<https://global.gotomeeting.com/join/615887485>, Dial in Number (408)650-3123, Participant Passcode: 615-887-485

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Executive Committee of the Gulf Consortium will meet to hold a board of director's preview meeting including the status of grant applications and grants, review financials, and conduct other business at the discretion of the committee.

A copy of the agenda may be obtained by contacting: at [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at (407)629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: at [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at (407)629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: at [www.gulfconsortium.org](http://www.gulfconsortium.org) or by contacting: General Manager at (407)629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us).

**CITIZENS PROPERTY INSURANCE CORPORATION**

The Citizens Property Insurance Corporation Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2022, 8:00 a.m.

PLACE: The Alford Inn, 300 East New England Ave., Winter Park, FL 32789

TELECONFERENCE: 786-635-1003; CONFERENCE CODE: 956 3792 7111; Zoom Webinar Link available at [www.citizensfla.com](http://www.citizensfla.com)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics to include but not limited to Board Committee reports and the 2023 Operating Budget.

A copy of the agenda may be obtained by contacting: [www.citizensfla.com](http://www.citizensfla.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at 850-445-9645. 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: [Barbara.Walker@citizensfla.com](mailto:Barbara.Walker@citizensfla.com); 2101 Maryland Circle, Tallahassee, FL 32303.

**CITIZENS PROPERTY INSURANCE CORPORATION**

The Citizens Property Insurance Corporation FMAP Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2022, Immediately following the Board of Governors Meeting at 8:00 a.m.

PLACE: The Alford Inn, 300 East New England Ave., Winter Park, FL 32789

TELECONFERENCE: 786-635-1003; CONFERENCE CODE: 956 3792 7111; Zoom Webinar Link available at [www.citizensfla.com](http://www.citizensfla.com)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics to include but not limited to 2023 FMAP Operating Budget.

A copy of the agenda may be obtained by contacting: [www.citizensfla.com](http://www.citizensfla.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at 850-445-9645. 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: [Barbara.Walker@citizensfla.com](mailto:Barbara.Walker@citizensfla.com); 2101 Maryland Circle, Tallahassee, FL 32303; 850-445-9645.

**ASSOCIATION OF FLORIDA COLLEGES**

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

DATE AND TIME: Thursday, November 17, 2022, 1:00 p.m.

PLACE: Zoom

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

A copy of the agenda may be obtained by contacting: Rebecca Turner, (727)341-3241 or by email [turner.rebecca@spcollege.edu](mailto:turner.rebecca@spcollege.edu).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Rebecca Turner, (727)341-3241 or by email [turner.rebecca@spcollege.edu](mailto:turner.rebecca@spcollege.edu). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Turner, (727)341-3241.

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

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

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

PASCO COUNTY BOARD OF COUNTY COMMISSIONERS  
 PROGRESSIVE DESIGN BUILD-LAND O LAKES WWTP REHABILITATION AND EXPANSION  
 ADVERTISEMENT FOR BIDS  
 PASCO COUNTY WILL RECEIVE SEALED BIDS IN THE PURCHASING DEPARTMENT, 7536 STATE ST., 2ND

FLOOR, NEW PORT RICHEY, FL (727) 847-8194, FOR THE FOLLOWING:  
 RSQ-KM-23-001; PROGRESSIVE DESIGN BUILD-LAND O LAKES WWTP REHABILITATION AND EXPANSION;  
 12/20/22 @ 1:00 p.m.; WWW.BIDNETDIRECT.COM  
 www.pascocountyfl.net

**Section XII**  
**Miscellaneous**

DEPARTMENT OF STATE  
 Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, November 4, 2022 and 3:00 p.m., Monday, November 14, 2022.

Rule No.	File Date	Effective Date
5KER22-7	11/10/2022	11/10/2022
12AER22-5	11/7/2022	11/9/2022
12AER22-6	11/7/2022	11/9/2022
12AER22-7	11/7/2022	11/9/2022
55-12.006	11/7/2022	11/27/2022
55-12.007	11/7/2022	11/27/2022
61C-3.0003	11/10/2022	11/30/2022
61G19-6.0035	11/4/2022	11/24/2022
61G19-6.012	11/4/2022	11/24/2022
61G19-7.0016	11/4/2022	11/24/2022
63F-11.002	11/9/2022	11/29/2022
63F-11.003	11/9/2022	11/29/2022
63F-11.004	11/9/2022	11/29/2022
63F-11.006	11/9/2022	11/29/2022
64B5-14.007	11/8/2022	11/28/2022
64B5-16.001	11/8/2022	11/28/2022
64B15-15.004	11/9/2022	11/29/2022
68CER22-1	11/07/2022	11/15/2022

**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 Food, Nutrition and Wellness  
 Child Nutrition Program State Waiver Request  
 Unanticipated School Closures

Good Afternoon SERO,  
 Due the pending Tropical Storm / Hurricane Nicole landfall, FDACS is requesting an extension for the following waivers that will be expiring on the November 25, 2022. FDACS would utilize the waivers only in the affected counties and is requesting the extension be granted until December 31, 2022. Please let me know if you have any questions.

**Unanticipated School Closures**

- Non-Congregate Meal Service during Unanticipated School Closures (SFSP/SSO) Under NSLA, 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and program regulations at 7 CFR 225.6(e)(15), SFSP meals must be served in a congregate setting and must be consumed by participants on site.
- Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) Under the NSLA, 42 U.S.C. 1761(f)(3) and Program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7) meals must be served to eligible children.
- Meal Service Times for Unanticipated School Closures (SFSP/SSO) Under program regulations at 7 CFR 225.16(c)(1) and (2) meals served in the SFSP must follow meal service time requirements.

- Service of Meals at School Sites during Unanticipated School Closures Under the NSLA, 42 U.S.C. 1761(c)(1) and program regulations at 7 CFR 225.6(d)(1)(iv), State agencies are required to only approve meal service operations at non-school sites during unanticipated school closures

**School Year Operations (NSLP/SBP/SMP/FFVP)**

- Non-Congregate Meal Service (NSLP and SBP) Under the NSLA, 42 U.S.C. 1753(b)(1)(A), the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A), NSLP and SBP meals must be served in a congregate setting and must be consumed by participants on site.
- Meal Service Times (NSLP and SBP) Under program regulations at 7 CFR 210.10(l) and 7 CFR 220.8(l), meals served in the NSLP and SBP must follow meal service time requirements.
- Parent and Guardian Meal Pick Up (NSLP and SBP) Under program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), and 7 CFR 220.8(a), meals must be served to eligible children.
- Offer Versus Serve (NSLP) Under the NSLA, 42 U.S.C. 1758(a)(3) and program regulations at 7 CFR 210.10(e), Program operators of senior high schools (as defined by the State education agency) must participate in offer versus serve at lunch
- Parent and Guardian Pick Up (FFVP) Section 19(b) of the NSLA (42 U.S.C. 1769a), requires Program operators to provide FFVP foods directly to students, not to parents and guardians.
- Alternate Site (FFVP) Section 19(a) of the NSLA (42 U.S.C. 1769a(a)), limits availability of FFVP foods to elementary schools.
- Meal Pattern Exception Section 12(l) of the NSLA (42 U.S.C. 1760(l) prohibits waivers that relate to the nutritional content of meals and snacks served. However, under NSLP and SBP regulations at 7 CFR 210.10(m)(4) and 220.8(m), in the event of a natural disaster or other catastrophe, FNS may temporarily allow schools to serve school meals for reimbursement that do not meet the school meal pattern requirements. This applies to all meals served through the SBP and NSLP, including those served to students in preschool and through the Afterschool Snack Service.
- Claiming Flexibility (SBP and NSLP) FNS is approving the request to allow multiple schools to utilize the same location and claim meals separately through the SBP and NSLP. Each school may serve and claim the maximum number of meals allowed under the regulations, provided that the meal services are provided to different populations of children.

Previously published waiver link:

[http://www.FLRules.org/gateway/View\\_Notice.asp?id=26378585](http://www.FLRules.org/gateway/View_Notice.asp?id=26378585)

## DEPARTMENT OF EDUCATION

Florida Agriculture and Mechanical University  
FAMU STUDENT HOUSING RFQ 2022 Revised  
RULE NO.: RULE TITLE:

6C3-2.001: Housing (Repealed)

## DEPARTMENT OF EDUCATION

Florida Agricultural and Mechanical University  
NOTICE TO PROFESSIONAL CONSULTANTS

Florida A&M University (FAMU) announces that Professional Services in the discipline of Architecture will be required for the following projects: New 400-500 bed Residence Hall with first floor mixed use, New 700 bed Residence Hall that includes ground floor Amenity space, and New 900-1000 bed FAMU Mixed Use Apartment Complex project: The selected firm for each project will provide design, construction documents and construction administration for the referenced projects as well as design to current hurricane standards for students and staff to be able to shelter in place during emergencies. Blanket professional liability insurance will be required for these projects in the range amount of \$3,000,000.00 - 5,000,000.00 and will be provided as a part of Basic Services. The firms must submit an RFQ for each project that they are submitting for and that project needs to be identified in the RFQ submittal. Those projects are as follows:

Project A:

## Project Scope of Work

The Design Professional shall provide architectural and engineering services for the design, construction, administration, and coordination with a commissioning agent, for a new 400-bed Residence Hall with first floor mixed use. Interior amenities for the complex may include but not limited to central entrances, exercise gym, common lounge spaces, study spaces, computer rooms, TV rooms, a food service/convenience store, offices, gaming rooms, multipurpose, vending, laundry and conference room. The Design Professional shall consider the following items as representative of the major requirements in the scope of services to be provided, however, it should not be construed as the complete list of items necessary for the completion of the project and to meet the clients' intent to provide a new facility. FAMU's New Residence Hall project seeks Building performance in a building project that supports the occupants' health and prosperity, within budget, while respecting nature's resources and mechanical and natural systems.

Project parameters include:

- 400-500 bed residence hall with first floor mixed use and historic brick look to match existing campus.
- Design Professional will be required to work with Construction Manager at Risk/CM Build and produce early foundation/site utility package

- Integrated Design Process throughout the project, including implementation of the Owners Project Requirement (OPR) document, and recommended Basis of Design (BOD) documentation to be updated at each phase of the work.
- Use of innovative design to achieve the highest building performance.
- Student occupancy is required for the start of the Fall 2025 semester (Construction completion 8/2025).
- Design and construct a highly energy efficient building with significantly reduced energy consumption, below the energy code standard for new buildings.
- Community: the project shall consider the uniqueness of the FAMU community, it's students and its student residence and will foster a positive, sensitive atmosphere and value academic success.
- Adaptability: the project shall consider the needs of its future residents, and the necessary adaptability of the facility to accommodate these changing requirements.
- Focus on health, well-being, culture and learning for the occupants of the building.
- Indoor Air Quality and Materials: As a tight building envelope and highly controlled ventilation, it is imperative to reduce the toxins in building materials and to design the building to enhance indoor air quality. Project shall focus on air quality goals and maintenance of air quality in operations.

Project B:

## Project Scope of Work

The Design Professional shall provide architectural and engineering services for the design, construction, administration, and coordination with a commissioning agent, for a new 700 bed Residence Hall that includes ground floor Amenity space. Interior amenities for the complex may include but not limited to central entrances, common lounge spaces, study spaces, computer rooms, TV rooms, offices, gaming rooms, multipurpose, vending, laundry and conference room. The Design Professional shall consider the following items as representative of the major requirements in the scope of services to be provided, however, it should not be construed as the complete list of items necessary for the completion of the project and to meet the clients' intent to provide a new facility. FAMU's New Residence Hall project seeks Building performance in a building project that supports the occupants' health and prosperity, within budget, while respecting nature's resources and mechanical and natural systems.

Project parameters include:

- A precast/ prestressed concrete system 700 bed Residence Hall that includes ground floor Amenity space and historic brick look to match existing campus.

- Design Professional will be required to work with Construction Manager at Risk/CM Build and produce early foundation/site utility package.
- Integrated Design Process throughout the project, including implementation of the Owners Project Requirement (OPR) document, and recommended Basis of Design (BOD) documentation to be updated at each phase of the work.
- Use of innovative design to achieve the highest building performance.
- Student occupancy is required for the start of the Fall 2024 semester (Construction completion 8/2024).
- Design and construct a highly energy efficient building with significantly reduced energy consumption, below the energy code standard for new buildings.
- Community: the project shall consider the uniqueness of the FAMU community, it's students and its student residence and will foster a positive, sensitive atmosphere and value academic success.
- Adaptability: the project shall consider the needs of its future residents, and the necessary adaptability of the facility to accommodate these changing requirements.
- Focus on health, well-being, culture and learning for the occupants of the building.
- Indoor Air Quality and Materials: As a tight building envelope and highly controlled ventilation, it is imperative to reduce the toxins in building materials and to design the building to enhance indoor air quality. Project shall focus on air quality goals and maintenance of air quality in operations.

#### Project C:

##### Project Scope of Work

The Project approximately consists of: The design and construction of a 900-1,000 bed apartment complex including site and resident amenities supporting off campus student residents. Florida Agricultural and Mechanical University (FAMU) seeks design services from Architectural Firms, with a focus of Apartment Complex for the FAMU Mixed Use Apartment Complex project. The Apartment Complex shall be no more than 5 stories with 900-1,000 beds including 1, 2, 3 & 4-Bedroom Suites with Kitchenettes and bathrooms. The complex will incorporate apartment style student residence units utilizing a resident to bathroom ratio of no more than 2:1, preferably 1:1. Interior amenities for the complex may include but not limited to central entrances, exercise gym, common lounge spaces, study spaces, computer rooms, TV rooms, a market /convenience store, offices, gaming rooms, multipurpose, vending, laundry and conference room. The Design Professional shall consider the following items as representative of the major requirements in the scope of services to be provided, however, it should not be construed as the complete list of items necessary for the completion of the

project and to meet the clients' intent to provide a new facility. FAMU's New Residence Hall project seeks Building performance in a building project that supports the occupants' health and prosperity, within budget, while respecting nature's resources and mechanical and natural systems.

Project parameters include:

- 5 stories with 900-1,000 beds including 1, 2, 3 & 4-Bedroom Suites with Kitchenettes and bathrooms.
- Design Professional will be required to work with Construction Manager at Risk/CM Build and produce early foundation/site utility package.
- Integrated Design Process throughout the project, including implementation of the Owners Project Requirement (OPR) document, and recommended Basis of Design (BOD) documentation to be updated at each phase of the work.
- Use of innovative design to achieve the highest building performance.
- Student occupancy is required for the start of the Fall 2026 semester (Construction completion 8/2026).
- Design and construct a highly energy efficient building with significantly reduced energy consumption, below the energy code standard for new buildings.
- Community: the project shall consider the uniqueness of the FAMU community, it's students and its student residence and will foster a positive, sensitive atmosphere and value academic success.
- Adaptability: the project shall consider the needs of its future residents, and the necessary adaptability of the facility to accommodate these changing requirements.
- Focus on health, well-being, culture and learning for the occupants of the building.
- Indoor Air Quality and Materials: As a tight building envelope and highly controlled ventilation, it is imperative to reduce the toxins in building materials and to design the building to enhance indoor air quality. Project shall focus on air quality goals and maintenance of air quality in operations.

A copy of the Project FACT Sheet can be obtained by contacting Craig Talton, Director @ (850)599-3197.

INSTRUCTIONS: Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning and Construction Office. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a

corporation, it must be chartered by the Florida Department of State to operate in Florida.

3. Submit nine (9) three ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above including a flash drive with an electronic copy. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. FAMU is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

4. Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Craig Talton, Director, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, Florida 32307, (850)599-3197 Fax: (850)561-2289, Email: [craig.talton@famu.edu](mailto:craig.talton@famu.edu).

Submittals must be received by 2:00 p.m. local time, Tuesday, November 29, 2022 to the Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, Florida 32307. Submittals will not be accepted after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

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## 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.

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