

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

### FISH AND WILDLIFE CONSERVATION COMMISSION

#### Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-6.001 Captive Wildlife Definitions

PURPOSE AND EFFECT: The purpose of the proposed amendment is to add definitions for “basic first aid” and “serious bodily injury.” The effect will be further consistency with other rule amendments.

SUBJECT AREA TO BE ADDRESSED: Subject area covered in the proposed amendment includes the addition of definitions used in the provisions relating to the possession of captive wildlife.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget McDonnell, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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

### FISH AND WILDLIFE CONSERVATION COMMISSION

#### Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-6.009 General Regulations Governing Possession of Captive Wildlife

PURPOSE AND EFFECT: The purpose of the rule amendments is to identify acts considered violations of 68A-6.009(1), F.A.C., to clarify enclosures requirements regarding open top enclosures and barriers to prevent escapes, and to include a prohibition on unauthorized persons breaching safety barriers. The effect will be improved public safety and animal welfare.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed amendments include the identification of violations which would be considered violations of 68A-

6.009(1), F.A.C., the enclosure requirements, and a prohibition on unauthorized persons breaching safety barriers.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

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## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Food, Nutrition and Wellness

RULE NOS.: RULE TITLES:

5P-3.001 Summer Food Service Program Participation

5P-3.002 Program Responsibilities

5P-3.003 Procurement Standards

5P-3.004 Reimbursement Process and Financial Management

5P-3.005 Administrative Reviews

5P-3.006 Fiscal Action

5P-3.007 Seamless Summer Option

5P-3.008 Waiver Requests

5P-3.009 Civil Rights Compliance and Enforcement

PURPOSE AND EFFECT: This chapter provides rules that regulate the administration and operation of Summer Nutrition Programs.

SUMMARY: The proposed rules in Chapter 5P-3 regulate Summer Nutrition Programs and establish eligibility criteria, identify program responsibilities, set procurement standards, present requirements for reimbursement and financial management, set out the Administrative Review process for determining any necessary fiscal action, and establish Seamless Summer Option requirements, the waiver request process, and civil rights compliance and enforcement requirements. The proposed rules adopt federal regulations and are specific to Florida’s practices that are not covered in the Code of Federal Regulations.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS 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: There are no costs associated with the establishment of this rule as participation in the programs are voluntary.

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:** 570.07(23); 595.404(4); 595.404(10), F.S.

**LAW IMPLEMENTED:** 595.404; 595.501, F.S.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Nedra Harrington, 600 S. Calhoun Street, Suite 120 (H2), Tallahassee, FL 32399, (850) 617-7668. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
SUMMER NUTRITION PROGRAMS FOOD SERVICE PROGRAM**

**5P-3.001 Summer Food Service Program Participation.**

Each organization participating or desiring to participate in the Summer Food Service Program, as defined in Rule 5P-1.001(38), F.A.C., must meet the standards established by the United States Department of Agriculture as provided in 2 CFR 200, 7 CFR 15, 15a, 15b, 7 CFR 225, and 7 CFR 250 all revised as of January 1, ~~2021~~ 2018, and which are hereby adopted and incorporated by reference and available online at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>, chapter 595, Florida Statutes, and this rule chapter.

(1) Summer Food Service Program Application. Any organization desiring to participate in the Summer Food Service Program must be eligible as required by 7 CFR 225.14 and must:

(a) Submit to the department a complete application online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "Summer Food Service Program Application", FDACS-01722 ~~03/2201/19~~, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx10332>. For the purposes of this program, a complete application includes:

1. All Sponsor Information as requested on the application;  
2. All Site Information as requested on the application for at least one site; and

3. ~~A management plan. A management plan must be submitted to the department online at <https://fans.freshfromflorida.com>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399.~~ The management plan must demonstrate financial capability, administrative capability, and program accountability for program operations and allow the department to determine in which of the three (3) operational tiers, as described in subsection 5P-3.002(2), F.A.C., the organization will be approved based on the information submitted. All information submitted as part of the management plan must be in the name of the organization listed on the application.

a. The organization ~~shall demonstrate has the~~ financial capability to operate a Summer Food Service Program if it has financial resources to operate the Summer Food Service Program on a daily basis, to continue to pay employees and contractors during periods of temporary interruptions in Summer Food Service Program payments, to pay debts when fiscal claims have been assessed against the organization, and documents its financial capability as specified in subparagraph 5P-3.001(1)(a)3.b., F.A.C. The following information must be included with the management plan: the financial resources available to pay for fifty (50) percent of expenses as indicated in the Sponsor's proposed budgets independent of any reimbursement from the department. The department will assess whether the organization has demonstrated financial capability by review of the following information which must be included with the organization's management plan:

(I) The organization must indicate what financial resources it has and how long those financial resources have been available to the organization, whether the level, function or nature of the financial resources is expected to change during

the program year and, if so, what impact the change will have on the organization's financial capability.

(II) Organizations operating solely to administer the Summer Food Service Program and no other income generating venture, must provide verification that the organization has sources of funding other than the Summer Food Service Program to pay for the preparation of IRS filings for corporations, state corporate reporting requirements, and the cost of conducting required board meetings. Organizations with no available financial resources (e.g., cash, loans, closed-end lines of credit) other than the Summer Food Service Program shall be deemed not financially capable and ineligible to participate in the Summer Food Service Program.

b. The organization shall further demonstrate financial capability by providing the following documentation, which must be included with the organization's management plan:

(I) Administrative and operational budgets that are necessary, reasonable, allowable, and allocable and include projected expenses;

(II) Twelve (12) consecutive months of financial institution bank statements for the organization's most recent fiscal year and for the month prior to the submission of the application for all cash accounts in the name of the organization;

(III) All agreements for loans, lines of credit, revolving credit card accounts, non-cancelable leases, food service credit lines, and purchase commitments, each of which must be closed-end. Credit lines from food service distributors and food service management companies must be supported by a current executed contract that has been reviewed and approved by the department in accordance with Rule 5P-3.003, F.A.C., and 2 CFR part 200 prior to the line of credit being extended;

(IV) The organization's most recent federal tax filing (e.g., Form 990), unless the organization is exempt from filing as a governmental entity; and

(V) Documentation to demonstrate eligibility to participate in one of the three tiers set out in subparagraphs (A) through (C) below:

(A) In consideration for Tier 3, as defined in subsection 5P-3.002(2), F.A.C., complete financial statements, audited by a Certified Public Accountant, for the organization's most recent fiscal year and at a minimum, all of the following: statement of financial position ~~balance sheet~~, statement of activities, statement of changes in net assets, statement of cash flows, and notes to financial statements, which all must conform to generally accepted accounting principles. Audited financial statements containing all statements and note disclosures required by generally accepted accounting principles, but which are titled differently from this list, shall be deemed to meet this requirement. From these documents, the following factors will be considered:

I. Assets exceeding liabilities (i.e., positive net assets or positive fund balance);

II. All accounts and transactions of the organization are included;

III. Debt does not exceed eighty (80) percent of total assets;

IV. Current asset/liability ratio of at least 1:1; ~~and~~

V. Transactions for Summer Food Service Program activities are separately identifiable either in the statement of activities or notes to financial statements; ~~and~~

VI. Financial resources cover the costs of at least fifty (50) percent of expenses as indicated in the proposed budget – independent of any reimbursement from the department.

(B) In consideration for Tier 2, at a minimum, internally-prepared statements conforming to generally accepted accounting principles including at least the statement of financial position ~~balance sheet~~ and statement of activities, or financial statements conveying substantially the same information, as required by generally accepted accounting principles, but are titled using different terms, for the organization's most recent fiscal year from which the following factors will be considered:

I. Assets exceeding liabilities (i.e., positive net assets or positive fund balance);

II. All accounts and transactions of the organization are included;

III. Debt does not exceed eighty (80) percent of total assets; ~~and~~

IV. Current asset/liability ratio of at least 1:1; ~~and~~

V. Financial resources cover at least twenty-five (25) percent of expenses as indicated in the proposed budget – independent of any reimbursement from the department.

(C) In consideration for Tier 1, at a minimum, a trial balance report including all statements of financial position ~~at least the balance sheet~~ and a statement of activities that account for the organization's most recent fiscal year from which the following factors will be considered:

I. The trial balance balancing to zero (\$0);

II. Assets exceeding liabilities (i.e., positive net assets or positive fund balance);

III. All accounts and transactions of the organization are included;

IV. Debt does not exceed eighty (80) percent of total assets; ~~and~~

V. Current asset/liability ratio of at least 1:1; ~~and~~

VI. Financial resources cover at least twenty-five (25) percent of expenses as indicated in the proposed budget – independent of any reimbursement from the department.

~~c.b.~~ The organization has the administrative capability to participate in the Summer Food Service Program if it:

(I) Has not been declared Seriously Deficient by the department or terminated from the Summer Food Service

Program or any other federal Child Nutrition Program in the previous seven (7) years. However, such an organization may be considered if the department determines that the organization has taken appropriate corrective actions to prevent recurrence of all deficiencies as prescribed in paragraph 5P-1.004(1)(a), F.A.C., and has repaid any outstanding debts owed to federal Child Nutrition Programs; and

(II) Has written policies and procedures that assign Summer Food Service Program responsibilities and duties to officers, directors and staff of the organization, to include, at a minimum, an organizational chart, organizational mission statement and bylaws, written job descriptions on full-time and part-time positions, and ensure compliance with civil rights requirements; Has a documented system of internal controls that include, at a minimum, all of the following: policy and procedure manuals, job function narratives, independent oversight for operations and finance, and checks and balances in place for executing procurement contracts and preparing the Claim for Reimbursement, as prescribed in subsection 5P-3.004(4), F.A.C., or will adopt basic benchmark internal control policies as provided by the department at <https://fans.freshfromflorida.com>; and

(III) Has sufficient, qualified staff to ensure the operation of the Summer Food Service Program in accordance with program regulations and this rule. Sponsors shall provide a description of qualifications for all Summer Food Service Program positions and their prospective salary ranges, as well as resumes of individuals employed by the organization who will be performing Summer Food Service Program duties, and a Summer Food Service Program staff training plan to demonstrate staff qualifications. A written, detailed monitoring plan for conducting and maintaining records for site visits and reviews as required in 7 CFR 225.15(d)(2)-(3), previously incorporated in this rule, including a standard internal monitoring documentation form.

(A) Minimum hiring standards for program administrators and directors. Program administrators and/or directors hired on or after January 1, 2022, must have at least one year of relevant Child Nutrition Program or food service experience and must have completed at least eight hours of food safety training not more than five years prior to their hiring date as the program administrator or director. Program administrators and directors hired prior to January 1, 2022, will be carried over in their respective administrator or director position; however, an annual application must still be submitted by the organization to the department for review to determine the organization's operational tier. Relevant Child Nutrition Program experience refers to previous work experience in the National School Lunch Program and School Breakfast Program, as well as experience in other Child Nutrition Programs, including the Child and Adult Care Food Program or the Summer Food

Service Program. Relevant food service experience refers to work in the food service industry, including, but not limited to, hospitals, healthcare facilities, nursing homes, restaurants, cafeterias, soup kitchens, and university dining services. Examples of skills employees would obtain in the food service industry include food handling and preparation, food ordering, nutrition education, financial management, and customer service.

(B) Staff-to-Children Ratio. The Summer Food Service Program staff-to-child ratio must be at least one staff person for every 25 children unless superseded by the minimum standards for the care of children in a licensed child care facility as established in section 402.305(4)(a), F.S.

(IV) Has well supported and documented rationales for its hiring decisions; and

(V) Provides an ongoing service to the community as evidenced by payroll records or timesheets.

d.e. To demonstrate program accountability, the organization's management plan must provide evidence of how it meets the following criteria:

(I) Has oversight of the Summer Food Service Program program by an independent governing board of directors that, at a minimum:

(A) Meets applicable federal and state statutes and requirements;

(B) Is comprised of members, the majority of which are members of the community the organization serves, who are not financially interested in the organization's activities, and are not related to the organization's personnel or to each other;

(C) Is responsible for policy setting, fiscal guidance, and ongoing governance of the organization;

(D) Reviews the organization's policies, programs, and budgets at a minimum on an annual basis;

(E) Approves decisions about compensation of employees and other parties providing services to the organization; and

(F) Possesses Summer Food Service Program knowledge and has operational oversight.

(II) Has a screening system in place to scrutinize any criminal convictions of board members which may disqualify them from performing Summer Food Service Program administrative functions; and

(III) Has a documented financial management system in accordance with FNS Instruction 796-4 Form FNS-389 (9-88), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/Reference.asp?No=Ref-xxxx40317>, with management controls specified in writing. At a minimum, the financial management system shall provide: Provides an ongoing service to the community as evidenced by payroll records or timesheets;

(A) Accounting records that are supported by source documents;

(B) Records showing the source and application of funds and contain information pertaining to Program funds and income (e.g., authorizations, obligations, unobligated balances, assets, liabilities, and outlays);

(C) Accurate, current, and complete disclosures of the financial transactions of the program;

(D) Identification of each Summer Food Service Program expense as either an operating or administrative cost, including a consistent and rational basis for the proration of costs which benefit both the operation and administration of the Summer Food Service Program, and an approved direct cost base (subject to review by the department and FNS) for costs which benefit both the Summer Food Service Program and other activities of the Sponsor, such as occupancy and telephone services.

(E) Effective control over, and accountability for, all funds, property, and other program assets to assure that they are safeguarded and used solely for authorized purposes;

(F) A system of safeguards and controls is in place to prevent and detect improper financial activities by employees;

(G) A comparison of actual outlays against budgeted amounts;

(H) Organization-wide audits to determine, at a minimum, the fiscal integrity of financial transactions and reports, and compliance with laws, regulations, and administrative requirements;

(I) A systematic method to assure timely and appropriate resolution of all audit findings and recommendations (including organization-wide);

(J) Maintenance of appropriate records to document compliance with Summer Food Service Program requirements, including budgets, accounting records, approved budget amendments, management plans and appropriate records on Summer Food Service Program site operations; Has procedures in place for record keeping of all advances, program expenditures, Claims for Reimbursement; and

(K) Regular training of administrative staff and site personnel Has a written, detailed plan for providing, and maintaining records for, program training, as prescribed in subsection 5P-3.002(1), F.A.C.; to all program staff prior to the first operating day of the year or the first operating day of the site to which they are assigned.

(L) Monitoring in accordance with 7 C.F.R. §225.15(d)(2)-(3), as previously incorporated in this rule, to ensure that sites accountably and appropriately operate the Summer Food Service Program; and

(M) Documented practices that result in the operation of the Summer Food Service Program in accordance with the meal

service, recordkeeping, and other operational requirements that demonstrate that sites will:

I. Provide meals that meet the meal patterns set forth in 7 C.F.R. §225.16, previously incorporated in this rule as ~~incorporated by reference;~~

II. Have a food service that complies with applicable State and local health and sanitation requirements;

III. Comply with civil rights requirements;

IV. Maintain complete and appropriate records on file; and

V. Claim reimbursement only for eligible meals.

4. Organizations ~~that are audited on a predetermined, continual cycle with the Florida Auditor General and participate in the National School Lunch Program~~ are exempt from the requirements in subparagraph (1)(a)3. of this rule and will be approved to operate the Summer Food Service Program at Tier 3 unless the organization has been Sponsor is declared Seriously Deficient, as described in paragraph 5P-1.004(1)(a), F.A.C., in the year prior to the current year, if the following criteria are met; ~~The sponsor will be considered a Tier 3 that meet the a or b.~~

a. The organization is audited on a predetermined, continual cycle with the Florida Auditor General and is a current participant in good standing in the National School Lunch Program; or

b. The organization is a local, municipal, county, or state government organization.

5. All supporting materials provided with or related to an application must be completely responsive and submitted using the Management Plan structure in the Florida Automated Nutrition System, including the following:

~~a. Administrative and operational budgets that include projected expenses;~~

~~b. Twelve (12) consecutive months of bank, credit union, or other financial institution statements for the organization's prior fiscal year or for a more recent period of twelve (12) consecutive complete months beginning during such prior fiscal year and continuing through a month prior to the submission of the application for all cash accounts in the name of the organization;~~

~~c. All agreements for loans, lines of credit, revolving credit card accounts, non-cancelable leases, vended food credit lines, and purchase commitments, each of which must be closed end;~~

~~d. The most recent federal tax filing (e.g., Form 990), unless the organization is exempt from filing as a governmental entity;~~

~~e. Financial statements;~~

~~f. Documented financial management system as identified in rule 5P-3.001(1)(a)3.e.(III), F.A.C.; and~~

~~g. A written, detailed monitoring plan identified in rule 5P-3.001(1)(a)3.e.(V), F.A.C.~~

(b) Correct its application and supporting documentation, including revised or additional information, submitted by the organization, when the documentation provides contradictory or inconsistent information.

(c) Any application, including the supporting materials thereto, which is not completely and accurately submitted by the applicant prior to the application deadlines as otherwise provided in subsection 5P-3.001(2), F.A.C. will be deemed incomplete and denied.

(d) ~~(b)~~ Complete the Summer Food Service Program training with eighty (80) percent accuracy or higher prior to being approved for participation.

1. This training requirement is applicable for operation of the Summer Food Service Program at any time of the year in an area with a continuous school calendar.

2. The department waives this training requirement for operation of the Summer Food Service Program during unanticipated school closures during the period from October through April.

~~(2) Non Profit Food Service Account. Sponsors must establish and maintain a financial system for accurately identifying program funds, to include:~~

~~(a) A separate bank account for Summer Food Service Program funds where all income and expenses must be for the benefit of the Summer Food Service Program; or~~

~~(b) The use of accounting codes to indicate what income and expenses are for the benefit of the Summer Food Service Program if the account is used for any purpose outside of the program.~~

~~(3) Advance Payments. Advance payments on Claims for Reimbursement will be available for June, July, and August of each year, pursuant to 7 CFR 225.9(c), previously incorporated in this rule.~~

~~(2)(4) Application Deadlines. Application deadlines for participation in the Summer Food Service Program are as follows:~~

~~(a) Applications are due February 15 and must be approved by March 14 for all organizations requesting an advance for the month of June.~~

~~(a)(b) Applications are due March 15 and must be approved by April 14 for all organizations requesting an advance for June and/or July.~~

~~(b)(e) Applications are due April 15 and must be approved by May 14 for all other organizations.~~

~~(c)(d) Applications that remain incomplete submitted after April 15 will be denied remain unapproved and deactivated in the Florida Automated Nutrition System, and organizations may apply again the following year.~~

(3) Operational Tiers. Sponsors approved to operate the Summer Food Service Program will be designated to operate within the parameters for one of three tiers determined during

the application process each year, unless exempt per subparagraph 5P-3.001(1)(a)4., F.A.C.

(a) Tier 3 allows Sponsors to serve over 150,000 meals;

(b) Tier 2 allows Sponsors to serve up to 150,000; and

(c) Tier 1 allows Sponsors to serve up to 60,000 meals;

(d) A Sponsor may not include in the Claim for Reimbursement, and will not be reimbursed for, any meals served over the allowable amount for the tier in which the Sponsor is approved to operate.

(e) Only experienced sponsors will be permitted to operate above Tier 1 in the Summer Food Service Program. For the purposes of this rule, an experienced sponsor means a Sponsor that has successfully participated in the Summer Food Service Program for each of the prior three (3) consecutive years.

(f) Experienced sponsors will not be permitted to operate at Tier 2 if they have had any significant operational issues as defined in subparagraphs 5P-3.005(14)(e)1., F.A.C. through 5P-3.005(14)(e)8., F.A.C., or serious deficiencies as defined in sub-subparagraphs 5P-1.004(1)(a)1.a., F.A.C., through 5P-1.004(1)(a)1.k., F.A.C., while operating at a Tier 1, in their most recently conducted Administrative Review, Site Review, Site Visit, or Technical Assistance Visit.

(g) Experienced sponsors will not be permitted to operate at Tier 3 if they have had any significant operational issues as defined in subparagraphs 5P-3.005(14)(e)1., F.A.C. through 5P-3.005(14)(e)8., F.A.C., or serious deficiencies as defined in sub-subparagraphs 5P-1.004(1)(a)1.a., F.A.C., through 5P-1.004(1)(a)1.k., F.A.C., while operating at Tier 2 or Tier 3, in their most recently conducted Administrative Review, Site Review, Site Visit, or Technical Assistance Visit.

(h) Sponsors approved to participate in the Summer Food Service Program prior to January 1, 2022 will be approved to continue to operate in their respective Tier 2 or Tier 3 operational tiers if, based upon the Sponsor's annual application, the department determines that the Sponsor has demonstrated capability to maintain that operational tier and if they have not had any significant operational issues as defined in subparagraphs 5P-3.005(14)(e)1., F.A.C. through 5P-3.005(14)(e)8., F.A.C., or serious deficiencies as defined in sub-subparagraphs 5P-1.004(1)(a)1.a., F.A.C., through 5P-1.004(1)(a)1.k., F.A.C., while operating at Tier 2 or Tier 3, in their most recently conducted Administrative Review, Site Review, Site Visit, or Technical Assistance Visit.

(4)(5) Pre-approval Site Visits. In accordance with 7 CFR 225.7(d)(1), previously incorporated in this rule, the department will conduct a pre-approval site visit for all organizations and their sites that which did not operate the program in the year prior to the current year, unless the organization has otherwise been determined ineligible to participate in the Summer Food Service Program, to assess Summer Food Service Program compliance and to verify information provided in the

application using the form entitled “Summer Food Service Program State Pre-Approval Site Visit”, FDACS-01735 Rev. 03/2206/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx10333>. A pre-approval site visit will not be conducted for Sponsors deemed ineligible.

(a) No change.

(b) If program compliance is not confirmed during a pre-approval site visit, the department will allow the organization to make necessary changes, for that site, as identified by the department on form ‘Summer Food Service Program State Pre-Approval Site Visit’, FDACS-01735 Rev. 03/2206/18, and request a technical assistance visit to follow-up on the changes made to bring the organization into compliance. If applicable deadlines have already lapsed for the current year, the organization cannot operate the Summer Food Service Program at the site.

1. through 2. No change.

(6) renumbered (5) No change.

~~(6)(7) Delinquent Ineligible Sponsors.~~ Sponsors that have outstanding debts to owe money to the department from previous fiscal action taken within the context of Child Nutrition Programs are not eligible to participate in the Summer Food Service Program ~~the program.~~

(a) Sponsors that have outstanding debts with the department from previous fiscal action taken within the context of the Child Nutrition Programs and have not agreed upon a satisfactory repayment schedule with the department will be declared Seriously Deficient and terminated from the Summer Food Service Program in accordance with 5P-3.006(3)(d), F.A.C., and 5P-1.004(1)(a), F.A.C., where appropriate.

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

~~(7)(8) Transfer of Sites Between Sponsors.~~ Sites may request to transfer to a different Sponsor if:

(a) A written request to transfer and justification is provided to the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399 and to the Sponsor under which the Site is currently operating at least seven (7) calendar days before the anticipated date of transfer.

(b) through (c) No change.

~~(8)(9) Site Eligibility.~~ Pursuant to 7 CFR 225.2, previously incorporated in this rule, to be eligible to participate in the Summer Food Service Program, an organization must be non-profit, which is defined as being tax exempt under section 501(a) of the Internal Revenue Code of 1986.

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

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

2. Establish that it is affiliated with a church or religious organization by providing documentation that demonstrates the organization or school is operated, supervised, or controlled by or in connection with the church, a convention or association of churches, or religious organization as defined in 26 CFR 1.509(a)-4, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-XXXXX>; or

3. Show that it is otherwise affiliated with the church or religious organization based upon relevant facts and circumstances as specified in 26 CFR 1.6033-2(h)(3), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-XXXXX>.

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

(a) reordered (b) No change.

~~(c)(b)~~ The Sponsor must submit to the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, a signed “Summer Nutrition Programs For-Profit Certificate” FDACS-01839 Rev. 06/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10334>, prior to the first operating day of each site identified as for-profit.

~~(9)(10)~~ Agreement. Each Sponsor approved to participate in the Summer Food Service Program must enter into a written agreement with the department, using the form entitled “Child Nutrition Programs Agreement”, FDACS-01716 Rev. ~~06/1906/18~~, incorporated in Rule 5P-2.002, F.A.C.

~~(10)(11)~~ Emergency Meal Service. In the event of an unanticipated school closure during the school year, the department will provide an expedited approval for Sponsors ~~that are also School Districts~~, as defined in ~~section 595.402(6), F.S. Section 595.402(5), F.S.~~, with current Child Nutrition Programs Agreement ~~agreements to operate the Summer Food Service Program~~, if the Sponsor has previously indicated to the department its intent to provide such emergency meals.

(a) This intent to serve emergency meals during an unanticipated school closure must be designated in provided in writing as an attachment to the Sponsor’s application to participate in a Summer Nutrition Program, and contain the following information: the Summer Food Service program and contain a list of the sites that would be activated to serve emergency meals.

1. A list of the sites that would be activated to serve emergency meals;

2. The contact person for the Sponsor regarding service of emergency meals;

3. The estimated number of children to be served;

4. Time(s) at which meals will be served; and

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

Sponsors in good standing will be approved for participation during an unanticipated school closure without a prior application if the Sponsor participated in the Summer Food Service Program or Seamless Summer Option at any time during the current year or in the prior calendar year.

~~(b) The In the event a School District is unable to provide an Emergency Meal Service, the department will approve or deny solicit the remaining Sponsors with current Child Nutrition Program Agreements of the Summer Food Service Program for operation during the unanticipated school closure the county in which the non-participating School District resides, and responses will be considered on a first come, first served basis, in the following order:~~

1. Sponsors that are exempt in accordance with paragraph 5P-3.001(1)(a)4., F.A.C. and Sponsors approved to operate a ~~operating~~ Tier 3 program who have not been declared Seriously Deficient in the current year or ~~and~~ the year prior to the current year.

2. Sponsors ~~approved to operate a operating~~ the Tier 2 program who have not been declared Seriously Deficient in the current year or ~~and~~ the year prior to the current year when approved Sponsors operating a Tier 3 program and exempt Sponsors are not providing emergency meal service in all areas

within a county in which at least 50 percent of the children are eligible for free or reduced priced school meals; ~~then~~

3. Sponsors ~~approved to operate a operating~~ the Tier 1 program who have not been declared Seriously Deficient in the current year or ~~and~~ the year prior to the current year when Sponsors operating a Tier 2 or Tier 3 program and exempt Sponsors are not providing emergency meal service in all areas within a county in which at least 50 percent of the children are eligible for free or reduced priced school meals.

(c) Sponsors with current Child Nutrition Program agreements and operating the National School Lunch Program’s Seamless Summer Option shall submit documentation to the department sufficient for the department to make a tier determination for the Sponsor as set out in paragraph 5P-3.001(1)(a)3.a. with its initial or renewal School Nutrition Program application as set out in paragraph 5P-2.001(1). Upon determination of the Sponsor’s tier, the Sponsor will be approved to operate during the unanticipated school closure as set out in paragraph 5P-3.001(10)(f). The department will only approve a school site to operate the National School Lunch Program’s Seamless Summer Option during an unanticipated closure if the school building where the Sponsor is approved to serve meals is unaffected by the emergency or disaster, and it is determined to be the most appropriate location for emergency meal service, or is expressly permitted by the United States Department of Agriculture (USDA).

(d) For standalone unanticipated school closures, the department will expedite approval to provide emergency meals in accordance with Rule 5P-2.001, F.A.C. for the Seamless Summer Option or paragraph 5P-3.001(1), F.A.C., for the Summer Food Service Program, as needed, for the affected Sponsor upon submission of the written intent to serve emergency meals. The process set forth in paragraph (b) will not be applied for standalone unanticipated school closures.

(e) Location. Emergency meals during an unanticipated school closure must be served at the location and during the time(s) indicated in the Sponsor’s application for the Summer Nutrition Program. If the Sponsor is unable to serve meals at the location and during the time(s) indicated in the application, the Sponsor must submit a request to change the location or time and the reason for the change.

(f) Meal Pattern. All emergency meals served during an unanticipated school closure must meet the meal pattern requirements in 7 CFR 210.10 and 7 CFR 220.8 for Sponsors operating the Seamless Summer Option and 7 CFR 225.16(d) for Sponsors operating the Summer Food Service Program, all revised as of January 1, 2021, which are hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>. Waivers of these provisions will be issued in accordance with sections 412 and 413 of the Robert T. Stafford Disaster Relief



and Emergency Assistance Act (42 U.S.C. 5179-80), which is hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>.

(g) Claims for Reimbursement. Sponsors must submit Claims for Reimbursement for emergency meals served during an unanticipated school closure in accordance with Rules 5P-2.004, F.A.C., for the Seamless Summer Option, and 5P-3.004, F.A.C. for the Summer Food Service Program. Sponsors that have been approved to serve emergency meals without a prior application must submit a complete Summer Food Service Program or Seamless Summer Option application to the department prior to the submission of its claim for reimbursement for the emergency meals served during the unanticipated school closure.

(h) Record Retention. Sponsors must maintain all records necessary to demonstrate compliance with the requirements in this rule, pursuant to 7 CFR 210.15 and 7 CFR 220.7(e)(13) for Sponsors operating the Seamless Summer Option, and 7 CFR 225.15(c) for Sponsors operating the Summer Food Service Program, all revised as of January 1, 2021, which are hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx10856> for all emergency meals served during an unanticipated school closure.

(11)(42) Terminated Sponsors. While terminated, Sponsors, their board members, corporate officials, and the officials identified on the Sponsor application in the Florida Automated Nutrition System at the time of the conduct leading to the termination, shall not participate in any Child Nutrition or Food Distribution Program to include receiving USDA Foods, conducting business as a contractor, providing consulting services, or obtaining program related funds by any other means. Sponsors that have been terminated, as described in paragraph 5P-1.004(1)(a), F.A.C., from the Summer Food Service Program and are applying again to participate must be eligible as required by 7 CFR 225.14(b), previously incorporated in this rule, and this rule chapter, and must submit an application pursuant to paragraph 5P-3.001(1)(a), F.A.C., including a management plan using the criteria in sub-paragraphs 5P-3.001(1)(a)3.a. through c., F.A.C. Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404 FS. History—New 5-2-19.

### **5P-3.002 Program Responsibilities.**

(1) Training. Each year, upon approval to operate the Summer Food Service Program, the Sponsor must hold training sessions for its administrative staff prior to the first day of program operations. Additionally, each year the Sponsor must hold training sessions for site personnel prior to the first day of each site's program operation. Training of site personnel must, at a minimum, include: the purpose of the Summer Food

Service Program, civil rights as indicated in section XI of FNS Instruction 113-1 FNS-620 (1-99), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10342>, site eligibility, recordkeeping, site operations, meal pattern requirements, and the duties of a monitor as prescribed in 7 CFR 225.15(d), incorporated in Rule 5P-3.001, F.A.C.

~~(2) Operational Tiers. Sponsors are approved to operate the Summer Food Service Program within one of three tiers of operation determined during the application process each year, unless exempt per subparagraph 5P-3.001(1)(a)4., F.A.C.~~

~~(a) Tier 3 allows over 150,000 meals to be served;~~

~~(b) Tier 2 allows up to 150,000 meals to be served; and~~

~~(c) Tier 1 allows up to 60,000 meals to be served;~~

~~(d) The Sponsor may not include in the Claim for Reimbursement, and will not be reimbursed for, any meals served over the allowable amount for the tier in which the Sponsor is approved to operate.~~

~~(2)(3) Site Information. Sponsors must submit any additional site information or changes to current site information as requested by the department on the application not less than two business days prior to the proposed date of implementation of the additional or updated site information submitted. Sponsors requesting to operate a Summer Food Service Program site at a School Food Authority school as defined in 5P-2.001(1), F.A.C. must provide to the department a letter of permission from that School Food Authority's nutrition service department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399.~~

~~(4) renumbered (3) No change.~~

~~(4)(5) Site Supervision Monitoring. The Sponsor must identify at least one a site supervisor for each proposed site. No and must allow no site will be permitted to operate until its the site supervisor has attended a one Summer Food Service Program training session conducted hosted by the Sponsor. A Each site must have the site supervisor must be present at each meal service.~~

~~(5)(6) Meal Service. Pursuant to 7 CFR 225.15(d)(3), Sponsors must review food service operations at each site at least once during the first four weeks of Summer Food Service Program operations. Sponsors must complete the site review using the form entitled "Summer Food Service Programs Sponsor Site Review", FDACS-01926 Rev. 06/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10337>.~~

(a) Sponsors must serve meals that meet the meal patterns prescribed in 7 CFR 225.16(d), incorporated in Rule 5P-3.001, F.A.C. Exceptions to the meal pattern requirements are permitted as follows:

1. No change.

2. Sponsors wanting to serve children under one (1) year of age must first request approval to do so from the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "Request to Serve Infant Meals", FDACS-01849 Rev. 06/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10335>.

(b) When serving food in smaller quantities than are indicated in 7 CFR 225.16(d), the Sponsor must follow the age-appropriate meal pattern requirements contained in 7 CFR 226.20(b), revised as of ~~January 1, 2021~~ ~~January 1, 2018~~, which is hereby adopted and incorporated by reference and made available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx10331>.

(c) No change.

(d) ~~Summer Food Service Program meals~~ ~~Meals~~ may not be served between the hours of 8:00 p.m. and 6:00 a.m. (EST). Pursuant to 7 CFR 225.16, previously incorporated in Rule 5P-3.001, F.A.C., supper meal service may not begin later than 7:00 p.m. (EST).

(e) If the Sponsor plans to provide meal service to children away from the approved site, the Sponsor must submit to the department, online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, notification of any field trip that would affect the time and location of meal service using the form entitled "Summer Nutrition Programs Field Trip Schedule", FDACS-01877 Rev. 06/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10336>. Notification must be made forty-eight (48) hours prior to date of the field trip.

(7) renumbered (6) No change.

(a) No change.

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

(c) No change.

(7) Non-Profit Food Service Account. Sponsors must establish and maintain a financial system for accurately identifying program funds, to include:

(a) A separate financial institution account for Summer Food Service Program funds where all income and expenses must be for the benefit of the Summer Food Service Program.

Failure to maintain such records shall be grounds for denial of reimbursement for meals served;

(b) The use of balance sheet account numbers and fund and expenditure account numbers for Sponsors subject to the Financial and Program Cost Accounting and Reporting for Florida Schools (2021) Manual, which is hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, ~~accounting codes~~ to indicate what income and expenses are for the benefit of the Summer Food Service Program if the account is used for other Child Nutrition Programs in rule 5P-1.001(3), F.A.C. as defined in rule 5P-1.001(3), F.A.C. and under the Richard B. Russell National School Lunch Act, as amended ((42 U.S.C. 1751 et seq.), which is hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>; or any purpose outside of the program.

(c) The use of uniform accounting practices and procedures, including fund groups, account codes, object codes, and sub-object codes, for Sponsors subject to the Uniform Accounting System Chart of Accounts mandated by section 218.33(2), F.S., which is hereby incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, to indicate what income and expenses are for the benefit of the Summer Food Service Program if the account is used for any purpose outside of the Summer Food Service Program.

(d) Unallowable expenses charged to the Summer Food Service Program account or improperly coded to the Summer Food Service Program identified by the department, including during the application process, must be repaid to the Summer Food Service Program account or reallocated to a different account number.

(8) Salary Restrictions. Salaries paid to employees who operate and administer the Summer Food Service Program must be based upon hourly rates that are reasonable for the services provided and documented by payroll records.

(a) To ensure compensation is reasonable, Sponsors should ensure salaries are consistent with compensation paid for similar work as reported by the U.S. Department of Labor, Bureau of Labor Statistics (BLS).

(b) The service industry within the BLS most closely aligned with Summer Food Service Program functions is the "Social Assistance" service industry. To establish employee salaries, Sponsors must use the BLS Occupational Employment Estimates for Florida for the following Standard Occupational Classification codes within the Social Assistance industry most closely aligned to the Official Types delineated below and in the Florida Automated Nutrition System's Budget Module:

1. Occupational Code: 11-1021 - General and Operations Managers; Official Types:

- a. Administrator
- b. Director

2. Occupational Code: 13-1041 - Compliance Officers; Official Types:

- a. Program/Claims Specialist
- b. Monitor(s)

3. Occupational Code: 35-1012 - First-Line Supervisors of Food Preparation and Serving Workers; Official Type - Site Supervisors(s)

4. Occupational Code: 35-2012 - Cooks, Institution and Cafeteria; Official Type - Cooks

5. Occupational Code: 35-2021 - Food Preparation Workers; Official Type - Food Service Staff

6. Occupational Code: 37-2011 - Janitors and Cleaners, Except Maids and Housekeeping Cleaners; Official Type - Custodian

7. Occupational Code: 43-3031 - Bookkeeping, Accounting, and Auditing Clerks; Official Type - Bookkeeper

8. Occupational Code: 53-3058 - Passenger Vehicles Drivers, Except Bus Drivers Transit and Intercity; Official Type - Driver

(c) The median hourly salary for each occupational code should be used to determine the maximum salary to be paid to Summer Food Service Program employees.

(d) All salaries paid to Summer Food Service Program employees utilizing Program funds must be adjusted, where necessary, as to not exceed the salary limits. If the Sponsor pays salaries higher than the BLS Occupational Employment Estimates, it must use non-Program funds to pay the additional salary.

(e) The salaries associated with employees who work only a portion of their time for the Summer Food Service Program must be prorated based on the hours worked for the program. In order to establish the portion of costs which may be claimed as program related, a daily log or other valid record must document the amount of time spent by each person on Summer Food Service Program food service duties.

(f) The salary restrictions imposed in this section are not applicable to organizations that are exempt as specified in 5P-3.001(1)(a)4., F.A.C.

(9) Consultants. In accordance with 7 CFR 225.15(a)(3), Sponsors may not contract out for the management responsibilities of the Summer Food Service Program. Complaints. If a complaint is received regarding a violation of civil rights, fraud, or food safety, the department will conduct a site review, using the form entitled "Summer Food Service Program State Site Review", FDACS 01947 Rev. 01/19, which is hereby incorporated by reference and available online at [https://www.flrules.org/Gateway/reference.asp?No=Ref-](https://www.flrules.org/Gateway/reference.asp?No=Ref-10338)

10338, to assess each Sponsor's ability to administer the Summer Food Service Program and address the nature of the complaint. If during this site review, the department determines corrective actions are necessary, a written demand for corrective action will be issued and the Sponsor will be provided seven (7) calendar days to respond in writing.

(a) Fees paid to a consultant for the performance of management responsibilities of the Summer Food Service Program shall be deemed an unallowable expense. The written response to the demand for corrective action should include:

- 1. All deficiencies identified in the written demand for corrective action;
- 2. The corrective action(s) required;
- 3. The timeframe(s) by which the corrective action(s) will be completed; and
- 4. If applicable, documentation to demonstrate corrective action was completed as prescribed in the written notification; and

(b) Management responsibilities include, but are not limited to, those described in 7 CFR 225.15 and maintenance of documentation of a nonprofit food service, meal ordering, maintenance of records justifying all meals claimed, producing and maintaining documentation that supports all Summer Food Service Program funds are spent only on allowable costs, submission of claims for reimbursement, training of administrative and site personnel, site visits and site reviews, receiving, processing and verifying applications for free Summer Food Service Program meals to determine the eligibility of children attending camps and the eligibility of sites that are not open sites, compliance with competitive bid procedures as specified in 7 CFR 225.15(m)(4), ensuring food service management company compliance with all the applicable provisions of this rule and 7 CFR 225, and the other responsibilities designated in this rule section. As part of the response to the written demand for corrective action, the Sponsor is required to conduct a follow-up Site Review using the form entitled "Summer Food Service Program Sponsor Site Review", FDACS 01926 Rev. 06/18, previously incorporated in subsection 5P 3.002(6), F.A.C. and submit this form to the department online at <https://fans.freshfromflorida.com>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399.

(c) If after seven (7) calendar days of the date of demand, the Sponsor fails to respond to the department regarding the required corrective actions, the Sponsor will be deemed Seriously Deficient and the department will issue a Notice of Action for suspension pursuant to paragraph 5P 1.004(1)(a), F.A.C. The sponsor may exercise appellate rights under Rule 5P 1.002, F.A.C.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404, 595.501 FS. History-New 5-2-19.

**5P-3.003 Procurement Standards.**

(1) Contracts. All contracts must be issued using the standards outlined in 7 CFR 225.17 and 2 CFR 200, incorporated in Rule 5P-3.001, F.A.C.

(a) All formal solicitations, to include specifications, evaluation criteria, procurement procedures, and proposed contract documents, must be submitted to the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, prior to issuance or execution.

(b) No change.

(c) ~~In lieu of requesting a competitive solicitation, a Sponsors may make purchases at or below specified prices from contracts awarded by other Sponsors and enter into a Successive Purchasing Agreement, as defined in subsection 5P-1.001(37), F.A.C., when the Sponsor that awarded the contract and the awarded Contractor mutually permit purchases by a Sponsor agrees, in writing, to permit the Successive Purchasing Agreement at the same terms, conditions, and prices; (or below such prices) awarded in such contract. Such purchases must meet the following conditions:~~

1. ~~The purchasing Sponsors must submit the awarded and proposed contracts Successive Purchasing Agreement and written authorization from the Contractor and the Sponsor holding the awarded contract to the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within seven (7) calendar days of execution; and~~

2. ~~Sponsors must conduct a separate procurement to obtain goods and services if the proposed contract Successive Purchasing Agreement results in a material change to the underlying awarding Sponsor's contract underlying contract. The department considers a change to be material if it would cause the contractor to bid differently if the prospective change had existed during the solicitation process or if the total cost of the change exceeds the thresholds referenced in subparagraph 5P-3.003(1)(b)2., F.A.C.~~

(2) Noncompetitive Procurement. Noncompetitive procurement of good and services can only be awarded by a Sponsor if the circumstances in 2 CFR 200.320(c), which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, apply. Noncompetitive agreements shall not be permitted as the underlying agreement in the implementation of the procurement practice described in paragraph 5P-3.003(1)(c), F.A.C. of this rule. Sponsors desiring to award noncompetitively procured contracts must obtain approval from the department prior to entering into the agreement. The department will approve noncompetitively procured contracts under the following circumstances:

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

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

~~(3)(2) Donations.~~ Sponsors may obtain and use donated food items to meet the meal service requirements outlined in 7 CFR 225.16, incorporated in Rule 5P-3.001, F.A.C., for meal service. Documentation required for the use of donated food items must include:

- (a) The Sponsor's name and Sponsor sponsor number;
- (b) through (h) No change.

~~(3) Invoices and Receipts.~~ All items listed in program invoices and receipts must be allowable program expenses as required in FNS Instruction 796 4 Form FNS 389 (9 88), which is hereby adopted and incorporated by reference and available ~~online~~ at <https://www.flrules.org/Gateway/Reference.asp?No=Ref-10317>.

(4) Training. Food service management companies ~~wanting to contract to provide food services to any Sponsor must complete, with an eighty (80) percent passing score or higher, the online food service management company vendor training found at <http://FDACS.gov/trainFNW> ~~<http://freshfromflorida.com/trainFNW>~~, with eighty (80) percent accuracy or higher, or attend an in-person food service management company vendor training, conducted by the department, prior to bidding on any Sponsor solicitations entering into an agreement for food services. Opportunities to complete the online food service management company training are offered year-round.~~

(5) Performance Bonds. In accordance with 7 CFR 225.15(m)(6)-(7), incorporated in Rule 5P-3.001, F.A.C., each food service management company that enters into a food service contract for over \$100,000 with a Sponsor must obtain a performance bond equal to ten (10) percent of the value of the contract.

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

(a) No employee, officer, or agent of the Sponsor may participate in the selection, award, or administration of a purchase or contract supported by Summer Food Service Program funds if a real or apparent conflict of interest exists.

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

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

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

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

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

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

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

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404 FS. History—New 4-7-19.

#### **5P-3.004 Reimbursement Process and Financial Management.**

(1) No change.

(2) Advances. The department will make advance payments to Sponsors as requested in the application to assist in meeting operating costs and administrative expenses in accordance with the criteria established in 7 CFR 225.9(c),

incorporated in Rule 5P-3.001, F.A.C., and the application deadlines set forth in Rule 5P-3.002, F.A.C. If the Sponsor was declared Seriously Deficient in accordance with paragraph 5P-1.004(1)(a), F.A.C, the Sponsor's June Claim for Reimbursement must be submitted and accepted by the department prior to the release of advance payments for July, and the July Claim for Reimbursement must be submitted and accepted by the department prior to the release of advance payments for August.

(a) When processing requests for advance payments, the department will take into consideration unused reimbursement, as defined in paragraph (9) of this rule, the Sponsor has carried over from the previous year of operations, if applicable. The department will deduct the total amount of unused reimbursement from the year prior to the current year from the total advance requested.

(b) Advance payments to any Sponsors for ~~any~~ one month will not exceed \$40,000.

(3) Claims. Claims for Reimbursement must only be made by Sponsors operating under written agreement, incorporated in Rule 5P-2.002, F.A.C., with the department. Reimbursements shall not be paid for meals served at a site before the Sponsor has received written notification from the department that the site has been approved for participation in the Summer Food Service Program. If the number of meals claimed for any site is 20% or greater than the site's average daily participation during the previous program year, a justification must be provided to the department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, as to why the increase occurred. If the number of meals claimed for any site is 100% greater or more than the site's average daily participation during the previous program year, a claim validation review will be conducted by the department.

(4) Due Dates. All Sponsors must submit to the department a monthly Claim for Reimbursement online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "Summer Nutrition Programs Claim for Reimbursement", FDACS-02007 Rev. 06/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10340>.

(a) Claim for Reimbursement forms must be postmarked or submitted online to the department not later than thirty (30) calendar days following the last day of the month covered by the claim (~~claim month~~).

(b) Adjustments on Claims for Reimbursement must be completed and postmarked or submitted online to the department within sixty (60) calendar days of the last day of the month covered by the claim. Upward adjustments on Claims for Reimbursement are limited to two adjustments per month per

Sponsor unless the adjustment results from an Administrative Review or from federally-required or state-imposed audits.

(5) No change.

(6) One-Time Exception. Claims for Reimbursement and any adjustments made to Claims for Reimbursement not filed within the prescribed timeframes will not be paid by the department unless otherwise authorized by USDA’s Food and Nutrition Service (FNS) or as provided in paragraph (a) of this subsection.

(a) A Sponsor may only request a one-time exception for late submission of Claims for Reimbursement every thirty-six (36) months. To be granted an exception, Sponsors must submit a corrective action plan online at <https://fans.FDACS.gov> ~~https://fans.freshfromflorida.com~~ or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399.

(b) No change.

(7) Inaccurate Claim for Reimbursement. The department’s response to a Sponsor failing to submit an accurate Claim for Reimbursement will be governed by 7 CFR 225.12, incorporated in Rule 5P-3.001, F.A.C., except that the department will recover current fiscal year overpayments from a Sponsor by offsetting future Claims for Reimbursement, to the extent such future Claims for Reimbursement exist. In the event such future Claims for Reimbursement either do not exist or are insufficient to recover such overpayments, the department will recover current fiscal year overpayments utilizing the collection procedures outlined in paragraph (8) of this section.

(8) Excess Funds. Pursuant to 7 CFR 225.9(c)(5), previously incorporated in Rule 5P-3.001, F.A.C., Sponsors must repay any advance payments in excess of the total amount filed in the Claims for Reimbursement for the current program year. The department will recover Excess Funds from a Sponsor through direct assessment using the following collection procedures:

(a) through (b) No change.

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

(d) No change.

(9) Unused Reimbursement. If a Sponsor receives more reimbursement than is expended on allowable costs, the Sponsor must use this unused reimbursement to improve the meal service or management of the Summer Food Service Program. Sponsors with unused reimbursement remaining at the end of the program year must submit a statement to the department online at <https://fans.FDACS.gov>

~~https://fans.freshfromflorida.com~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, not later than December 31 of each year, using the form entitled “Summer Food Service Program Unused Reimbursement Certificate”, FDACS-01974 Rev. 10/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx10339>, certifying that all unused reimbursement will be used either as startup funds ~~for~~ or the improvement of ~~for~~ improving the Summer Food Service Program in ~~services~~ the subsequent year.

(a) If the Sponsor does not submit the Summer Food Service Program Unused Reimbursement Certificate, FDACS-01974 Rev. 10/18, the Sponsor’s application for the subsequent year’s Summer Food Service Program will not be approved until such certificate ~~it~~ is received.

(b) Sponsors may not transfer unused reimbursement to operations that are not related to the Child Nutrition Programs or increase salary or fringe benefit costs when the primary ~~the~~ sole purpose of the transfer or increase is to reduce the Summer Food Service Program balance.

(c) If the Sponsor will not be participating in Summer Food Service Program in the next year, and the Sponsor operates other Child Nutrition Programs, the unused reimbursement must be used towards the Sponsor’s provision of other Child Nutrition Programs. If the Sponsor does not operate any other Child Nutrition Programs and will not be participating in the Summer Food Service Program the next year, then the Sponsor is not required to return the unused reimbursement to the department.

(10) Financial Management. Sponsor must maintain documentation of all revenues received and expenses paid from the nonprofit food service account. All items listed in program invoices and receipts must be allowable program expenses as required in FNS Instruction 796-4 Form FNS-389 (9-88), which is hereby adopted and incorporated by reference and available online at https://www.flrules.org/Gateway/Reference.asp?No=Ref-xxxxx10317.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404 FS. History-New 5-2-19.

**5P-3.005 Administrative Reviews.**

(1) through (2) No change.

(3) Disregard of Overpayment. In conducting Administrative Reviews for any fiscal year, the department will disregard any overpayment which does not exceed \$100, in accordance with 7 CFR 225.10(c), incorporated in Rule 5P-3.001, F.A.C.

(4) State Site Reviews. The department will review food service operations at each site included in the Administrative

Review using the form entitled “Summer Food Service Programs State Site Review”, FDACS-01947 Rev. 11/1901/19, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, ~~previously incorporated in subsection 5P-3.002(8), F.A.C.~~ Should any meals be disallowed at a site for reasons outlined in the 2017 USDA Summer Food Service Program State Agency Monitor Guide, previously incorporated in this rule, the Sponsor must provide documentation showing the disallowed meals were deducted from the Claim for Reimbursement to the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, after the meal operation has ended for the month ~~within seven (7) calendar days of the Site Review~~ and prior to receiving payment on the Claim for Reimbursement.

(5) Program Records. The Sponsor has a duty to maintain program records as required in the Child Nutrition Programs Agreement, FDACS-01716 Rev. 06/18 04/16, incorporated in Rule 5P-2.002, F.A.C. The Sponsor must make available to the department all required program records no later than the close of business on the day of the Exit Conference last day of the scheduled Administrative Review period and upon request by the department. The department may grant a one-time extension, per Administrative Review, to the timeframe to provide all required program records by seven (7) calendar days upon written request by the Sponsor when extraordinary circumstances arise, such as temporary site closures, natural disasters, extreme weather conditions, or other circumstances beyond the Sponsor’s control. Documentation will not be accepted for review beyond the date established between the Sponsor and the department. “Program records” means all invoices, receipts, accounting records, financial institution bank statements, check ledgers, credit card statements, meal count records, meal delivery receipts, budgets, and any other records generated by a Sponsor or vendor during the operation of the Summer Food Service Program.

(6) Claim Meal Validation. ~~During the Administrative Review, meal counts submitted with the Claim for Reimbursement will be validated using a two-part review process that includes reviewing meal counts taken at the point of service and analyzing program records invoices and receipts for an to determine the accurate number of meals eligible for reimbursement, unless the Sponsor can provide the following:~~ The Sponsor must provide records to the department as required to validate the meal counts submitted with the Claim for Reimbursement including, but not limited to, the following:

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

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

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

(d) Purchase invoices received from food suppliers;

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

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

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

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

(7) Review Expansion. The department will expand the scope of the Administrative Review beyond the one month review period when any of the program violations as specified in paragraph 5P-1.004(a)1.f., F.A.C., noncompliance with the cost principles identified in 2 CFR 200, Subpart E, or conflicts of interest as prohibited by 5P-3.003(6), F.A.C. are identified.

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

(9)(7)-Exit Conference. The department will hold an exit conference after at the completion close of the Administrative Review to discuss overall program operations, any program deficiencies observed, the extent of the program deficiencies and the actions needed to correct the program deficiencies. The department will set an appropriate deadline(s) for completion of corrective action based on the type of corrective action to be completed.

(10)(8) Report. The department will provide the Sponsor with an Administrative Review Report.

(a) through (b) No change.

(c) The Administrative Review Report will be provided within thirty (30) calendar days of the exit conference at the close of the Administrative Review period. The Administrative Review Report will be sent via email to the Sponsor’s email address on record with the department. If requested by the Sponsor at the exit conference, the Administrative Review Report may be sent by regular United States mail. The

~~Administrative Review Report will be deemed received by the Sponsor five (5) calendar days following the date the report was emailed by the department. A preliminary and tentative report will be sent via email, not later than the next business day following the Exit Conference. Upon completion, the Administrative Review Report will be sent via email and mail and will be considered received by the Sponsor five (5) calendar days following the date the notice was sent.~~

~~(11)(9) Corrective Action.~~ For any program deficiencies identified by the department through an Administrative Review, Sponsors must submit a corrective action plan with supporting documentation to the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within thirty (30) calendar days of the date of receipt of the Administrative Review Report. The corrective action plan must include:

(a) through (d) No change.

~~(12)(10) Extension Requests.~~ The department may extend the timeframe(s) specified to complete the required corrective action(s) upon the written request of the Sponsor when extraordinary circumstances arise, such as temporary closures, natural disasters, extreme weather conditions, or other circumstances beyond the Sponsor's control.

(a) A request to extend the timeframe(s) to complete the required corrective action(s) must be submitted to the department online at <https://fans.FDACS.gov> ~~<https://fans.freshfromflorida.com>~~, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within seven (7) calendar days of the date of receipt of the Administrative Review Report.

(b) No change.

1. No change.

2. Specify the Sponsor's proposed ~~new desired~~ completion date.

~~(13)(11) Seriously Deficient. If after thirty (30) calendar days of the date of notification, the Sponsor fails to respond to the department regarding the required corrective actions or fails to request an extension of the timeframe in which the corrective actions can be completed, the Sponsor will be deemed Seriously Deficient and subject to suspension, pursuant to paragraph 5P-1.004(1)(a), F.A.C.~~

(a) If after thirty (30) calendar days of the date the Sponsor receives the Administrative Review Report, the Sponsor fails to respond to the department regarding the required corrective actions or fails to request an extension of the timeframe in which the corrective actions can be completed, the Sponsor will be deemed Seriously Deficient pursuant to paragraph 5P-1.004(1)(a), F.A.C.

(b) If after thirty (30) calendar days of the date the Sponsor received the Administrative Review Report in which the Sponsor was declared Seriously Deficient, the Sponsor fails to

respond to the department regarding the required corrective actions or fails to request an extension of the timeframe in which the corrective actions can be completed, the Sponsor shall be terminated from the Summer Food Service Program pursuant to paragraph 5P-1.004(1)(b), F.A.C.

(14)(12) Department Follow-up Reviews. Department follow-up reviews of Sponsors and sites will be conducted if:

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

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

(c) If the number of meals served by a site on any of the five preceding days of operation is 50% or more higher than the number of meals served as observed by the department or its designated representative during a Site Review; or ~~When the number of meals served as observed by the department is significantly lower than the number of meals claimed by a site on a prior day of the current year; and~~

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

(e) During the follow-up review, the department shall document its findings on the form entitled "Summer Food Service Programs State Site Review", FDACS-01947 Rev. 11/19, previously incorporated in this rule. If the department determines that significant, repeated operational issues still exist at the Sponsor level or site level, the Sponsor will be declared Seriously Deficient by the department. A significant operational issue exists if, during the follow-up review, one or more of the following repeat operational issues still exist at the Sponsor level or for at least 50% of the Sponsor sites being reviewed:

1. Failure to count meals at the point of service as prescribed in paragraph 5P-3.002(6)(c), F.A.C., that results in fiscal action exceeding ten (10) percent of the Claim for Reimbursement reviewed with the meal counts submitted during the follow-up review;

2. Failure to maintain program records as prescribed in 7 CFR 225.15(c), including, but not limited to, meal count sheets, production records, invoices and delivery slips, that results in fiscal action that exceeds the \$100 overpayment disregard as prescribed in 7 CFR 225.10(c);

3. Noncompliance with meal service times as prescribed in 7 CFR 225.16(c) that results in fiscal action that exceeds the \$100 overpayment disregard as prescribed in 7 CFR 225.10(c);

4. Claiming of reimbursement payments for meals not served as prescribed in 7 CFR 225.12(a) that results in fiscal action that exceeds the \$100 overpayment disregard as prescribed in 7 CFR 225.10(c);

5. Serving of meals that do not meet the meal component or portion size requirements as prescribed in 7 CFR 225.16(d)



that results in fiscal action that exceeds the \$100 overpayment disregard as prescribed in 7 CFR 225.10(c);

6. Noncompliance with applicable procurement procedures and contract requirements of 2 CFR 200, previously incorporated in paragraph 5P-1.003(1)(a), F.A.C.;

7. Unallowable expenses charged to the non-profit food service account or improperly coded to the Summer Food Service Program that exceed the \$100 overpayment disregard as prescribed in 7 CFR 225.10(c); or

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

(f) If a Sponsor is declared seriously deficient during an Administrative or Site Review and is also declared seriously deficient during the follow-up review, or the follow-up review identifies a repeat violation of health, safety and sanitation standards, the Sponsor shall be terminated. While terminated, Sponsors, their officers, and directors shall not participate in the Summer Food Service Program to include receiving USDA Foods, conducting business as a contractor, providing consulting services, or obtaining program related funds by any other means.

(15) Ad Hoc Reviews. The department will conduct ad hoc Administrative Reviews, Claim Reviews, Site Visits, or Technical Assistance Visits of a Sponsor's operation of the Summer Food Service Program at its discretion or and when the following circumstances exist:

(a) The department receives a complaint regarding the Sponsor's operation of the Summer Food Service Program; or

(b) The department identifies unusual data or trends within the Sponsor's claims for reimbursement and any other information collected by the department about the Sponsor's operation of the Summer Food Service Program, such as block claiming, substantially higher or substantially lower meal counts, recurrent field trips, duplicative site officials, continual changes to meal service times, or prohibited use of consultants. For the purposes of the Summer Food Service Program, a block claim is a claim with no variation in meal counts, for any single meal type or combination of meal types, for any continuous 3 day period within the claim month.

(13) renumbered (16) No change.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10) FS. Law Implemented 595.404, 595.501 FS. History—New 5-2-19.

### **5P-3.006 Fiscal Action.**

(1) through (2) No change.

(3) Recovery of Payment. The department will recover any fiscal action assessed pursuant to subsection (2) of this rule, per the collection procedures outlined in 7 CFR 225.12(b), incorporated in Rule 5P-3.001, F.A.C., and the following procedures:

(a) The department will make a written demand to the Sponsor stating the Fiscal Action assessed via certified mail, return receipt requested. ~~Written demands are deemed received by Sponsor five (5) calendar days after the postmark date of the certified mailing by the department.~~

(b) If after thirty (30) calendar days following receipt of the written demand, the Sponsor has failed to remit full payment or agree to a satisfactory repayment schedule, a second written demand stating the Fiscal Action assessed will be sent to the Sponsor by the department via certified mail, return receipt requested. ~~the Sponsor will be declared Seriously Deficient pursuant to paragraph 5P-1.004(1)(a), F.A.C.~~

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

(d) If after ninety (90) calendar days following receipt of the original written demand, the Sponsor fails to remit full payment or agree to a satisfactory repayment schedule, the department will begin the procedure for collection of delinquent accounts as set forth in Section 17.20, F. S., the Sponsor will be declared Seriously Deficient, and the department will move to terminate the Sponsor pursuant to paragraph 5P-1.004(1)(a), F.A.C.

(4) Penalties. Failure to comply with the requirements of this rule chapter will result in the penalties prescribed in Rule 5P-1.004, F.A.C., and 7 CFR 225.11(c) and 7 CFR 225.11(f), incorporated in Rule 5P-3.001, F.A.C.

Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), FS. Law Implemented 595.404, 595.501 FS. History—New 4-7-19.

### **5P-3.007 Seamless Summer Option.**

School Food Authorities currently administering the National School Lunch Program and/or School Breakfast Program participating or desiring to participate in the Seamless Summer Option, as defined in subsection 5P-1.001(31), F.A.C., must meet the standards established by the United States Department of Agriculture as provided in 2 CFR 200, 7 CFR 15, 15a, 15b, 7 CFR 210, 7 CFR 225 and 7 CFR 250 all revised as of January 1, 2021, and which are hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx10330>, Chapter 595, Florida Statutes, and this rule chapter.

(1) Participation. Only School Food Authorities administering the National School Lunch Program or School

Breakfast Program may participate in the Seamless Summer Option. With department approval, School Food Authorities may sponsor non-school meal sites under the Seamless Summer Option.

(a) School Food Authorities must be able to demonstrate administrative capability and financial viability as specified in 5P-3.001(1)(a)(3) a. and 5P-3.001(1)(a)(3) c., F.A.C., to properly operate the Seamless Summer Option meal service during school vacation periods. School Food Authorities currently in good standing in the National School Lunch Program or School Breakfast Program are not required to submit further evidence of financial and administrative capability. For the purposes of this rule, School Food Authorities are considered to be in good standing if they have been reviewed during the previous 12 months and had no significant operational issues.

(b) The department will deny Seamless Summer Option applications from School Food Authorities that have significant operational issues either in the National School Lunch Program or School Breakfast Program as specified in 5P-2.005(13)(e)1., F.A.C., through 5P-2.005(13)(e)8., F.A.C.

(c) Completion of the Seamless Summer Option training found at <http://FDACS.gov/trainFNW> with eighty (80) percent accuracy or higher is a prerequisite for approval to participate. Previous participation in the Summer Food Service Program is not a requirement for participating in the Seamless Summer Option.

(d) Applications to participate in the Seamless Summer Option are due May 15 for all School Food Authorities.

(2) Periods of Operation. For schools operating under a traditional school calendar, the months of operation for Seamless Summer Option are May through September when school is not in session and October through April for non-school sites only in response to an unanticipated school closure as specified in paragraph 5P-3.001(10), F.A.C. At year-round schools, School Food Authorities may operate the Seamless Summer option during school vacation periods longer than 10 school days. For year-round schools that have vacation periods shorter than 10 school days, the department will waive the 10-day requirement to allow for Seamless Summer Option participation.

(3) Site Eligibility. The site eligibility requirements for the Seamless Summer Option are those specified in 7 CFR part 225 and Rule 5P-3.002, F.A.C.

(4) Meal Service. Meals at all approved Seamless Summer Option sites, except for camps, must be served free of charge to all children. School Food Authorities that sponsor camps may charge for the meals served to children who are not eligible to receive free or reduced price meals.

(a) All persons in the community who are 18 years of age and under and those persons over age 18 who are mentally or physically disabled may receive meals under the SSO.

(b) School Food Authorities offering the Seamless Summer Option must follow the National School Lunch Program and School Breakfast Program meal pattern requirements established in 7 CFR 210.10 and 7 CFR 220.8, respectively.

1. School Food Authorities must use the National School Lunch Program meal pattern for lunches established in 7 CFR 210.10 when serving supper meals.

2. School Food Authorities operating open and restricted open Seamless Summer Option sites that have difficulty implementing the age grade/group requirement should work with the department to make accommodations, including using a single age/grade group meeting the minimum meal pattern requirements for the most common age/grade group attending the site. All accommodations must have a reasonable justification for the need to deviate from the age/grade group requirement and be added as an addendum to the Child Nutrition Program agreement between the School Food Authority and the department. All other sites that serve an identified group of children, including closed enrolled sites and camps, must follow the meal pattern for each age/grade established in 7 CFR 210.10 and 7 CFR 220.8.

3. Seamless Summer Option sites must provide meal accommodations consistent with the policy established in SP 59-2016, Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>. The competitive food service standards at 7 CFR 210.11 do not apply to Seamless Summer Option.

4. Offer versus serve is allowed, but not required at Seamless Summer Option sites.

5. School food authorities participating in the Seamless Summer Option must comply with the requirements of the Buy American provision in the National School Lunch Act as provided in 7 CFR 210.21(d).

(c) With department approval, a School Food Authority can serve meals on weekends under the Seamless Summer Option. A School Food Authority that plans to serve weekend meals in the Seamless Summer Option must include this information in its application to the department. Seamless Summer Option sites operating more than five days a week must increase the weekly grains quantity by approximately 20 percent (1/5) to account for each additional operating day.

(d) Meal times for breakfast and lunch must follow the designated times in the National School Lunch Program and School Breakfast Program regulations at 7 CFR 210.10(l) and 7 CFR 220.2(b). Breakfast must be served between the hours

of 6:00 a.m. and 10:00 a.m. Snacks must be evenly and adequately spaced between other meal service times to minimize food waste and ensure good nutrition practices. Supper meal service may not begin later than 7:00 p.m. (EST). Meal service outside of the designated times must be approved by the department.

(e) In year-round school sites, School Food Authorities must differentiate between meal counts for children receiving meals through the National School Lunch Program and School Breakfast Program during the traditional school calendar and children receiving meals through the Seamless Summer Option during summer and other school vacation periods.

(f) Seamless Summer Option sites are required to notify the department prior to field trips in accordance with 5P-3.002(6)(e), F.A.C.

(g) All Seamless Summer Option sites must plan for and prepare one meal per child per meal service. Seamless Summer Option sites are allowed to offer eligible children a second breakfast and claim it for reimbursement in accordance with the requirements in 7 CFR 220.9(a). Seamless Summer Option sites may not claim second lunches or snacks for reimbursement.

(5) Monitoring. School Food Authorities are required to review each Seamless Summer Option site at least once during its operation. The School Food Authority must review the site's compliance with meal counting, claiming, menu planning, and food safety requirements.

(a) As set forth in 7 CFR 210.10(a)(3) and 7 CFR 220.8(a)(3), schools and non-school sites must keep production records and menu records for the meals they produce, including those offered under the Seamless Summer Option. The production records must allow the department to evaluate how the meals contribute to the required food components or food items. Records for food purchases (e.g. invoices, receipts) are required to document the expenditure of funds from the nonprofit food service account for compliance with determining the proportion of program and non-program food expenditures in relation to revenues.

(b) Edit checks are not required for Seamless Summer Option sites during the period of time that the School Food Authority is operating the sites under the Seamless Summer Option policies. School Food Authorities must ensure that meal counts match actual participation and claims reflect the number of meals served. If a school is operating the National School Lunch Program or School Breakfast Program for academic summer schools, edit checks are required as outlined in 7 CFR 210.8.

(6) Reimbursement Rates. Meals served under the Seamless Summer Option are reimbursed at the "free" rates prescribed by the USDA for the National School Lunch Program, afterschool snacks served in afterschool care

programs, and for the School Breakfast Program. Supper meals are reimbursed at the National School Lunch Program's free lunch rate. Camps operating the Seamless Summer Option will only be reimbursed for those meals served to children who are eligible for free or reduced-price school meals at the free rate. Meals served to children at the camp site who are ineligible for free or reduced-price meals are not reimbursable.

(a) Lunches claimed under the Seamless Summer Option will count toward the determination of the School Food Authority's eligibility for the extra reimbursement differential and the school's eligibility for the severe need breakfast rate. School Food Authorities certified to receive the performance-based reimbursement in accordance with 7 CFR 210.7(d) will receive the additional reimbursement for lunches and suppers served under the Seamless Summer Option.

(b) Claims for reimbursement under the Seamless Summer Option may be combined in accordance with 7 CFR 210.8(c)(1). School Food Authorities may not combine June and July claims for reimbursement because of the National School Lunch Program rate change that occurs on July 1.

(7) Administrative Reviews. The department will review at least one Seamless Summer Option site in operation at all School Food Authorities scheduled for an administrative review. The review will be conducted in the summer prior to or following the scheduled administrative review.

(a) The department will schedule administrative reviews during the summer to avoid making a second visit to the Seamless Summer Option site if the school is operating the National School Lunch Program on a year-round basis and both the National School Lunch Program schools and Seamless Summer Options schools will be operating at the time of review.

(b) Seamless Summer Option administrative reviews will be conducted in accordance with 5P-2.005, F.A.C.

(c) The department will conduct ad hoc Administrative Reviews, Claim Reviews, Site Visits, or Technical Assistance Visits of a Sponsor's operation of the Seamless Summer Option Program if, but not limited to, the following circumstances exist:

1. The department receives a complaint regarding the Sponsor's operation of the Seamless Summer Option Program; or

2. The department identifies unusual data or trends within the Sponsor's claims for reimbursement and any other information collected by the department about the Sponsor's operation of the Seamless Summer Option Program, such as block claiming, substantially higher or substantially lower meal counts, recurrent field trips, duplicative site officials, or continual changes to meal service times.

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

**5P-3.008 Waiver Requests.**

(1) Waiver Request Protocol. As provided in Section 12(1) of the National School Lunch Act, 42 U.S.C. 1760(1), which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>, the USDA Secretary may waive federal statutory and regulatory requirements for the Summer Food Service Program upon request. Sponsors desiring a waiver of a federal statutory or regulatory requirement must submit a request to the department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the FNS Child Nutrition Program State Waiver Request Template, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-xxxxx>. Sponsors must submit complete waiver requests to the department via the Florida Automated Nutrition System and receive written approval from the USDA Secretary through Food and Nutrition Services (FNS) prior to implementing the waiver.

(a) Each section of the FNS Child Nutrition Program State Waiver Request Template must be completed in order for the waiver request to be considered. A complete waiver request must provide the information required by 42 U.S.C. 1760(1), including:

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

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

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

**(2) Waiver Decisions.**

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

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

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

(3) Monitoring and Reporting. The department and FNS will review the performance of Sponsors' Summer Food Service Program operations under the waiver.

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

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

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

(4) Waiver Termination. If the department or FNS determines that the waiver leads to deficits in Summer Food Service Program operations or to an increase in the overall cost of the program to the federal government and the increase has not been paid for with non-federal funds, FNS may terminate the waiver as provided in 42 USC 1760(1). Rulemaking Authority 570.07(23), 595.404(4), 595.404(10), FS. Law Implemented 595.404, FS. History-New \_\_\_\_\_.

**5P-3.009 Civil Rights Compliance and Enforcement.**

All Sponsors must comply with all requirements of Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, American with Disabilities Act Amendment Act of 2008, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1987, the Department of Justice Guidelines for Enforcement of Title VI of the Civil

Rights Act of 1964 at 28 CFR 50.3, and the USDA's regulations concerning nondiscrimination (7 CFR parts 15, 15a, 15b and 16), including requirements for racial and ethnic participation data collection, public notification of the nondiscrimination policy, and reviews to assure compliance with such policy. No person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, or reprisal or retaliation for prior civil rights activity under the Summer Food Service Program.

(1) Complaints. Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action by completing and submitting the USDA Program Discrimination Complaint Form (AD-3027 1/19/12 OMB Control Number 0508-0002), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?no=ref-XXXXX>, by mail to USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave, SW, Stop 9410, Washington, D.C. 20250-9410, or by facsimile to 1-833-256-1665.

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

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

2. The specific location and name of the Sponsor and/or Summer Food Service Program site;

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

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

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

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

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

(c) Complaints alleging discrimination on the basis of age, regardless of whether other bases of discrimination are alleged, will be referred to the Food and Nutrition Service Civil Rights

Division within five (5) working days after receiving the complaint. FNS CRD will refer the complaint to the Federal Mediation and Conciliation Service (FMCS) for mediation within 10 calendar days of initial receipt.

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

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

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

(c) The nature and importance of the Sponsor's Summer Food Service Program to people's lives; and

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

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

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

(b) Sponsors must consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication as well as that person's parent, spouse, or companion in appropriate circumstances. The term "companion" includes any family member, friend, or associate of a person seeking or receiving services who is an appropriate person with whom the Sponsor should communicate. Responsibility for providing effective communication, including the use of interpreters, is placed directly on the Sponsor.

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

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

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

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

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

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

(a) Applicants and participants must be advised at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.

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

(c) Each Sponsor must take the following actions to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the Summer Food Service Program and the applicable Civil Rights requirements:

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

2. Inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), of the Summer Food Service

Program or changes in the Summer Food Service Program. This includes information pertaining to eligibility, benefits, and services, the location of local facilities or service delivery points, and hours of service. This information shall be communicated by methods such as, but not limited to, internet, newspaper articles, radio and television announcements, letters, leaflets, brochures, computer-based applications, and bulletins;

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

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

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

(5) Civil Rights Training. Sponsors are responsible for training their staff who interact with program applicants or participants, and those persons who supervise those staff, must be provided civil rights training on an annual basis. Specific subject matter must include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

(6) Data Collection and Reporting. Sponsors must provide for and maintain a system to collect the racial and ethnic data in accordance with 7 CFR 225.7(g) and FNS Instruction 113-1 FNS-620 (1-99), as previously incorporated in rule, to determine how effectively the Summer Food Service Program is reaching potential eligible persons and beneficiaries, identify areas where additional outreach is needed, assist in the selection of locations for compliance reviews, and complete reports as required.

(a) Program applicants or participants may not be required to furnish information on their race or ethnicity. Self-identification by the applicant or participant is the preferred method of obtaining characteristic data.

(b) The number of potentially eligible beneficiaries by racial or ethnic category for the area served by each Sponsor must be determined each year. Data concerning the number of potentially eligible beneficiaries, along with identification of all sources of the information, must be updated annually and maintained on file for 3 years. Sources for obtaining such data include census data or public school enrollment data.

(c) Actual beneficiary data by racial or ethnic category for each site under a Sponsor's jurisdiction must be collected by the Sponsor each year. Sponsors of residential camps must collect and maintain this information separately for each session of the

camp. For all other sites, the Sponsor must count the participating children at least once during the site's operation.

(d) Once collected, actual beneficiary data shall be maintained on file by the Sponsor. Data, as well as documentation for the data, shall be retained by the Sponsor for the required 3 years. The data and documentation shall be maintained using safeguards that prevent its use for discriminatory purposes. Such safeguards shall include allowing access to program records containing this data only by authorized personnel.

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

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Nicole Fried  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NOS.: RULE TITLES:  
61J2-23.001 Time-share Resale Listing Agreement Disclosures

61J2-23.002 Time-share Resale Contract Disclosures  
PURPOSE AND EFFECT: The purpose of the amendments is to the update and remove old, inaccurate, or obsolete text.

SUMMARY: Update rule text.  
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 Commission meeting, the Commission, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.05, 475.42 FS.

LAW IMPLEMENTED: 475.42 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: Giuvanna Corona, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, FL 32801, Giuvanna.Corona@myfloridalicense.com

THE FULL TEXT OF THE PROPOSED RULE IS:

**61J2-23.001 Time-share Resale Listing Agreement Disclosures.**

Pursuant to Section 475.42(1)(m), F.S., it shall be a violation of Chapter 475, F.S., for any broker or salesperson to enter into any agreement with any person engaging the services of the broker in connection with the resale of a time-share period unless the agreement complies in all respects with the following provisions.

(1) In addition to all other requirements of and obligations under Chapter 475, F.S., all agreements engaging the services of a broker in connection with the resale of a time-share period shall contain all of the following:

- (a) through (f) No change.
- (g) A statement disclosing the existence of any judgments or pending litigation against the broker resulting from or alleging a violation by the broker of Chapters 475, 498, 718 or 721, F.S., or resulting from or alleging consumer fraud on the part of the broker.

(2) No change.

Rulemaking Authority 475.05, 475.42 FS. Law Implemented 475.42 FS. History–New 10-25-89, Formerly 21V-23.001, Amended 2-21-10,

**61J2-23.002 Time-share Resale Contract Disclosures.**

(1) Pursuant to Section 475.42(1)(m), F.S., it shall be a violation of Chapter 475, F.S., for any broker or salesperson to utilize any form of contract or purchase and sale agreement in connection with the resale of a time-share period unless the contract or purchase and sale agreement complies in all respects with the following provisions.

~~(2)~~(1) All forms of contract or purchase and sale agreement utilized by a broker or salesperson in connection with the resale of a time-share period shall contain all of the following:

- (a) through (f) No change.

Rulemaking Authority 475.05, 475.42 FS. Law Implemented 475.42 FS. History—New 10-25-89, Formerly 21V-23.002, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Commission  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2022  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 26, 2022

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Energy**

RULE NOS.:	RULE TITLES:
50-5.001	Definitions
50-5.002	Statewide Renewable Energy Goals
50-5.003	Renewable Energy Data Reporting
50-5.004	Department Actions

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 48 No. 78, April 21, 2022 issue of the Florida Administrative Register.

**PURPOSE AND EFFECT:** The Notice of Rule Development provided rule titles relating to greenhouse gases. In preparing the Notice of Proposed rule the Department narrowed the focus of the rules to renewable energy because electricity generates 25% of nationwide greenhouse gas emissions, the second largest share of any source or sector. Therefore, the revised purpose of this rulemaking is to adopt definitions, establish statewide renewable energy goals, require electric utilities to send their 10-year site plans, prepared pursuant to section 186.801, F.S., to the Florida Department of Agriculture and Consumer Services, and require the Florida Department of Agriculture and Consumer Services to take certain internal actions regarding renewable energy.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Energy**

RULE NO.:	RULE TITLE:
50-5.003	Renewable Energy Data Reporting

**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. 78, April 21, 2022 issue of the Florida Administrative Register.

**50-5.003 Renewable Energy Data Reporting**

(1) Pursuant to ss. 377.603 and 377.604, F.S., no later than the first Wednesday of May each year, each Electric Utility subject to the filing requirements of Rule 25-22.071(1), F.A.C. shall submit to the Department its 10-year site plan, prepared pursuant to section 186.801, F.S., and submitted to the Public Service Commission. The plan shall be submitted to the department via email to Energy@FDACS.gov.

(2) No change.

(3) No change.

Rulemaking Authority 377.603(3), 570.07(23) FS. Law Implemented 377.603, 377.604, 377.606, 377.607, FS. History—New\_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NOS.:	RULE TITLES:
60Y-7.001	Complaints
60Y-7.002	Answer

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 47 No. 251, December 30, 2021 issue of the Florida Administrative Register has been withdrawn.

### Section IV Emergency Rules

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:	RULE TITLE:
12AER22-2	Sales Tax Exemption for Children’s Books During the Period of May 14, 2022, through August 14, 2022

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Section 53 of Chapter 2022-97, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the temporary sales tax exemption for children’s books from May 14, 2022, through August 14, 2022. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the sales tax exemption period.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Section 48 of Chapter 2022-97, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.



SUMMARY: During the period of May 14, 2022, through August 14, 2022, tax is not due on the retail sale of children's books.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Danielle Boudreaux, Technical Assistance and Dispute Resolution, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER22-2 Sales Tax Exemption for Children's Books During the Period of May 14, 2022, through August 14, 2022.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) "Children's books" means any fiction or nonfiction book primarily intended for children age 12 or younger, and includes the following:

1. Board books
2. Picture books
3. Beginning reader books
4. Juvenile chapter books
5. Middle grade books
6. Audiobooks on CD or tape

(b) "Exemption period" means the period from May 14, 2022, through August 14, 2022.

(c) "Remote sale" means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this emergency rule, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(2) During the exemption period, tax is not due on the retail sale of children's books.

(a) If a book is labeled with an age range that includes 12 years old and younger, then the book qualifies for the exemption.

(b) Books intended for or marketed primarily to adults are not exempt, regardless of whether the book is purchased for a child aged 12 and younger.

(3) Sales of Sets Containing Both Exempt and Taxable Items. When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(4) Gift Cards.

(a) Eligible items purchased during the exemption period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the exemption period using a gift card are taxable, even if the gift card was purchased during the exemption period.

(5) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for another eligible item, no tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit towards the purchase of an item that did not qualify for the exemption, the new item purchased is subject to tax.

(6) Returns. When a customer returns an item purchased during the sales tax exemption period and requests a refund or credit of tax, the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(7) Rain Checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify an eligible item for the exemption if the item is purchased after the exemption period.

(8) Layaway Sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the exemption period are tax exempt, even if final payment of the layaway is made after the exemption period. If a customer makes a final payment and takes delivery of the item during the exemption period, the eligible items are tax exempt.

(9) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the sales tax exemption period for immediate shipment, even if delivery is made after the sales tax exemption period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an "order number" to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

(10) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, and both

taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item. If an item is exempt, the associated shipping charge is also exempt.

(11) License Fees or Other Fees Imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant's license fee or tax on retailers. The merchant's license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant's fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant's license fee is exempt.

Rulemaking Authority Section 53, Chapter 2022-97, L.O.F. Law Implemented Section 48, Chapter 2022-97, L.O.F. History-New 05-09-22.

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: May 9, 2022

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE NO.: RULE TITLE:  
12AER22-3 Sales Tax Holiday for Disaster Preparedness Supplies During the Period of May 28, 2022, through June 10, 2022

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 44 of Chapter 2022-97, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the sales tax holiday for disaster preparedness supplies. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the sales tax holiday.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Section 44 of Chapter 2022-97, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.

SUMMARY: During the period of May 28, 2022, through June 10, 2022, tax is not due on the retail sale of tangible personal property used for disaster preparation.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Danielle Boudreaux, Technical Assistance and Dispute Resolution, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER22-3 Sales Tax Holiday for Disaster Preparedness Supplies During the Period of May 28, 2022, through June 10, 2022.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) "Airport" means a facility as defined in s. 330.27(2), F.S.

(b) "Holiday period" means the period from May 28, 2022, through June 10, 2022.

(c) "Public lodging establishment" means a facility as defined in s. 509.013(4), F.S.

(d) "Remote sale" means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this paragraph, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(e) "Theme park or entertainment complex" means a facility as defined in s. 509.013(9), F.S.

(2) During the holiday period, tax is not due on the retail sale of the following items related to disaster preparedness:

(a) A portable self-powered light source, such as candles, flashlights, or lanterns, selling for \$40 or less.

(b) A portable self-powered radio, two-way radio, or weather-band radio selling for \$50 or less.

(c) A tarpaulin or other flexible waterproof sheeting, such as visqueen, plastic sheeting, or plastic drop cloths, selling for \$100 or less.

(d) An item normally sold as, or generally advertised as, a ground anchor system or tie-down kit, such as bungee cords or ratchet straps, selling for \$100 or less.

(e) A gas or diesel fuel tank, including LP gas and kerosene containers, selling for \$50 or less.

(f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$50 or less.

(g) A nonelectric food storage cooler selling for \$60 or less.

(h) A portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$1,000 or less.

(i) Reusable ice selling for \$20 or less.

(j) A portable power bank selling for \$60 or less.

(k) A smoke detector or smoke alarm selling for \$70 or less.

(l) A fire extinguisher selling for \$70 or less.

(m) A carbon monoxide detector selling for \$70 or less.

(n) Supplies necessary for the evacuation of household pets. For purposes of this paragraph, the term “necessary supplies” means the noncommercial purchase of the following:

1. Portable kennels or pet carriers selling for \$100 or less per item.

2. Bags of dry pet food weighing 15 pounds or less and selling for \$30 or less per item.

3. Cans or pouches of wet pet food selling for \$2 or less per can or pouch or the equivalent if sold in a box or case.

4. Manual can openers selling for \$15 or less per item.

5. Leashes, collars, and muzzles selling for \$20 or less per item.

6. Collapsible or travel-sized food or water bowls selling for \$15 or less per item.

7. Cat litter weighing 25 pounds or less and selling for \$25 or less per item.

8. Cat litter pans selling for \$15 or less per item.

9. Pet waste disposal bags selling for \$15 or less per package.

10. Pet pads selling for \$20 or less per box or package.

11. Hamster or rabbit substrate selling for \$15 or less per package.

12. Pet beds selling for \$40 or less per item.

(3) The tax exemptions provided do not apply to sales within a theme park or an entertainment complex as defined in s. 509.013(9), F.S., within a public lodging establishment as defined in s. 509.013(4), F.S., or within an airport as defined in s. 330.27(2), F.S.

(4) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example 1: A multi-battery package sells for \$25. The package contains an assortment of AA, C, and D cell batteries. The battery package qualifies for the tax exemption since the sales price of the package containing eligible items is less than \$50.

(c) Example 2: A ground tie-down kit with four tie-downs and related accessories sells for \$125. The kit cannot be sold as four different packages to qualify for the exemption.

(5) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(b) Example: Four AA rechargeable batteries are sold in a package that includes a battery charger for \$35. Although the batteries would qualify for the exemption if sold separately during the sales tax holiday period, the battery charger does not qualify. The full sales price of \$35 is taxable.

(6) Gift Cards.

(a) Eligible items purchased during the holiday period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the holiday period using a gift card are taxable, even if the gift card was purchased during the holiday period.

(c) A gift card does not reduce the sales price of an item.

(7) Buy One, Get One Free or for a Reduced Price. The total price of items advertised as “buy one, get one free” or “buy one, get one for a reduced price” cannot be averaged in order for both items to qualify for the exemption.

(8) Exchanges.

(a) If a customer purchases an eligible item during the holiday period, then later exchanges the item for the same item (e.g., different size or different color), no tax will be due even if the exchange is made after the holiday period.

(b) If a customer purchases an eligible item during the holiday period, then later returns the item and receives credit towards the purchase of an item that did not qualify for the exemption, the new item purchased is subject to tax.

(9) Coupons, Discounts, and Rebates. The sales price of an item includes all consideration received by the retailer for that item. The price of an item is not limited to the amount paid by a customer.

(a) Manufacturer’s coupons do not reduce the sales price of an item, because the retailer is reimbursed for the amount of any discount provided to a customer. Therefore, the amount of the reimbursement is included in the taxable sales price of an item.

(b) Store coupons, discounts, or rebates offered by the retail seller reduces the sales price of an item because it reduces the total amount received by the retail seller for the item.

(c) Rebates occur after the sale and do not affect the sales price of an item purchased.

(d)1. Example 1: A customer buys an \$1,100 generator. The retailer offers a 10% discount. After applying the 10% discount, the final amount received by the retailer for the generator (the sales price) is \$990. The generator is exempt (since it is less than \$1,000).

2. Example 2: A customer buys a \$55 multi-pack battery package. The manufacturer offers a \$5 instant rebate redeemed when the batteries are sold. Although the purchaser pays \$50, the retailer’s sales price remains at \$55 because the retailer will receive a total of \$55 for the item: \$50 from the purchaser and

\$5 from the manufacturer. The battery package does not qualify for the exemption (since it is more than \$50).

3. Example 3: A gas container sells for \$60. The store offers an instant rebate of \$10 for the purchase of the gas container. The customer redeems the \$10 store rebate and pays the retailer \$50 for the gas container. The retailer's sales price is reduced to \$50, and the gas container qualifies for the exemption.

(10) Returns. When a customer returns an item purchased during the sales tax holiday period and requests a refund or credit of tax, the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(11) Rain Checks. Eligible items purchased during the holiday period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the holiday period will not qualify an eligible item for the exemption if the item is purchased after the holiday period.

(12) Layaway Sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the holiday period are tax exempt, even if final payment of the layaway is made after the holiday period. If a customer makes a final payment and takes delivery of the item during the holiday period, the eligible items are tax exempt.

(13) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the sales tax holiday period for immediate shipment, even if delivery is made after the sales tax holiday period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an "order number" to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

(14) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, and both taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of

all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item. If an item is exempt, the associated shipping charge is also exempt.

(15) Service Warranties. The taxation of any charges for a service warranty contract depends on the taxability of the product being sold. If the retail sale of an item is exempt from tax, the charge for a service warranty sold with the item is exempt.

(16) License Fees or Other Fees Imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant's license fee or tax on retailers. The merchant's license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant's fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant's license fee is exempt.

(17) Rentals. Rentals of eligible items do not qualify for the exemption.

Rulemaking Authority Section 44, Chapter 2022-97, L.O.F. Law Implemented Section 44, Chapter 2022-97, L.O.F. History-New 05-09-22.

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: May 9, 2022

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:	RULE TITLE:
12AER22-4	Sales Tax Holiday on Specific Admissions and Outdoor Activity Supplies During the Period of July 1, 2022, through July 7, 2022; Freedom Week

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 45 of Chapter 2022-97, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of admissions to music events, sporting events, cultural events, specified performances, movies, museums, state parks, and fitness facilities are exempt from sales tax, including the sales of qualifying boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, and sports equipment. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the exemption during the period of July 1, 2022, through July 7, 2022.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Section 45 of Chapter 2022-97, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.

SUMMARY: During the period of July 1, 2022, through July 7, 2022, tax is not due on the sale of admissions to certain events or the retail sale of specific boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, pool and spa supplies, and sports equipment.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Danielle Boudreaux, Technical Assistance and Dispute Resolution, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER22-4 Sales Tax Holiday on Specific Admissions and Outdoor Activity Supplies During the Period of July 1, 2022, through July 7, 2022; Freedom Week.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) "Admissions" has the same meaning as provided in s. 212.02(1), F.S.

(b) "Airport" means a facility as defined in s. 330.27(2), F.S.

(c) "Holiday period" means the period from July 1, 2022, through July 7, 2022.

(d) "Public lodging establishment" means a facility as defined in s. 509.013(4), F.S.

(e) "Remote sale" means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this emergency rule, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(f) "Theme park or entertainment complex" means a facility as defined in s. 509.013(9), F.S.

(2) Under Section 212.07, F.S., the following items are exempt from sales tax throughout the calendar year:

(a) The flag of the United States and the official state flag of Florida.

(b) Bicycle helmets marketed for use by youth.

(c) Prescription sunglasses or lenses, including items that become a part thereof.

(3) Admission Sales.

(a) During the holiday period, tax is not due on the sale by way of admissions for the following:

1. A live music event scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022.

2. A live sporting event scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022.

3. A movie to be shown in a movie theater on any date or dates from July 1, 2022, through December 31, 2022.

4. Entry to a museum, including any annual passes.

5. Entry to a state park, including any annual passes.

6. Entry to a ballet, play, or musical theatre performance scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022.

7. Season tickets for ballets, plays, music events, or musical theatre performances.

8. Entry to a fair, festival, or cultural event scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022.

9. Use of or access to private and membership clubs providing physical fitness facilities from July 1, 2022, through December 31, 2022.

(b) If the purchaser of a tax-exempt admission subsequently resells the admission, the purchaser shall collect tax on the full sales price of the resold admission.

(4) Retail Sales. During the holiday period, tax is not due on the retail sale for the following:

(a) Boating and water activity supplies.

1. The first \$75 of the sales price of life jackets and coolers.

2. The first \$35 of the sales price of recreational pool tubes, pool floats, inflatable chairs, and pool toys.

3. The first \$50 of the sales price of safety flares.

4. The first \$150 of the sales price of water skis, wakeboards, kneeboards, and recreational inflatable water tubes or floats capable of being towed.

5. The first \$300 of the sales price of paddleboards and surfboards.

6. The first \$500 of the sales price of canoes and kayaks.

7. The first \$75 of the sales price of paddles and oars.

8. The first \$25 of the sales price of snorkels, goggles, and swimming masks.

(b) Camping supplies.

1. The first \$200 of the sales price of tents.

2. The first \$50 of the sales price of sleeping bags, portable hammocks, camping stoves, and collapsible camping chairs.

3. The first \$30 of the sales price of camping lanterns and flashlights.

(c) Fishing supplies. This does not include supplies used for commercial fishing purposes.

1. The first \$75 of the sales price of rods and reels, if sold individually, or the first \$150 of the sales price if sold as a set.

2. The first \$30 of the sales price of tackle boxes or bags.

3. The first \$5 of the sales price of bait or fishing tackle, if sold individually, or the first \$10 of the sales price if multiple items are sold together.

(d) General outdoor supplies.

1. The first \$15 of the sales price of sunscreen or insect repellent.

2. The first \$100 of the sales price of sunglasses.

3. The first \$200 of the sales price of binoculars.

4. The first \$30 of the sales price of water bottles.

5. The first \$50 of the sales price of hydration packs.

6. The first \$250 of the sales price of outdoor gas or charcoal grills.

7. The first \$50 of the sales price of bicycle helmets.

8. The first \$250 of the sales price of bicycles.

(e) Residential pool and spa supplies.

1. The first \$100 of the sales price of individual residential pool and spa replacement parts, nets, filters, lights and covers.

2. The first \$150 of the combined sales price of all residential pool and spa chemicals purchased by an individual.

(f) Sports equipment used in individual or team sports, not including clothing or footwear, and selling for \$40

or less.

(5) The tax exemptions provided do not apply to sales within a theme park or an entertainment complex as defined in s. 509.013(9), F.S., within a public lodging establishment as defined in s. 509.013(4), F.S., or within an airport as defined in s. 330.27(2), F.S.

(6) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of water skis normally sells for \$300. The pair of skis cannot be split in order to sell each ski for \$150 to qualify for the exemption.

(7) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(b) Example: A packaged set consisting of swim fins (which are not exempt during the holiday period) and a swim mask (which is exempt) is sold for a single price of \$30. Although the swim mask would otherwise be exempt during the holiday period, the sales price of the packaged set is subject to tax.

(8) Gift Cards.

(a) Eligible items purchased during the holiday period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the holiday period using a gift card are taxable, even if the gift card was purchased during the holiday period.

(c) A gift card does not reduce the sales price of an item.

(9) Buy One, Get One Free or for a Reduced Price. The total price of items advertised as “buy one, get one free” or “buy one, get one for a reduced price” cannot be averaged in order for both items to qualify for the exemption.

(10) Exchanges.

(a) If a customer purchases an eligible item during the holiday period, then later exchanges the item for the same item (e.g., different size or different color), no tax will be due even if the exchange is made after the holiday period.

(b) If a customer purchases an eligible item during the holiday period, then later returns the item and receives credit towards the purchase of an item that did not qualify for the exemption, the new item purchased is subject to tax.

(11) Coupons, Discounts, and Rebates. The sales price of an item includes all consideration received by the retailer for that item. The price of an item is not limited to the amount paid by a customer.

(a) Manufacturer’s coupons do not reduce the sales price of an item, because the retailer is reimbursed for the amount of any discount provided to a customer. Therefore, the amount of the reimbursement is included in the taxable sales price of an item.

(b) Store coupons, discounts, or rebates offered by the retail seller reduces the sales price of an item because it reduces the total amount received by the retail seller for the item.

(c) Rebates occur after the sale and do not affect the sales price of an item purchased.

(12) Returns. When a customer returns an item purchased during the sales tax holiday period and requests a refund or credit of tax, the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(13) Rain Checks. Eligible items purchased during the holiday period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the holiday period will not qualify an eligible item for the exemption if the item is purchased after the holiday period.

(14) Layaway Sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the holiday period are tax exempt, even if final payment of the layaway is made after the holiday period. If a customer

makes a final payment and takes delivery of the item during the holiday period, the eligible items are tax exempt.

(15) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the sales tax holiday period for immediate shipment, even if delivery is made after the sales tax holiday period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an "order number" to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

(16) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, and both taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item. If an item is exempt, the associated shipping charge is also exempt.

(17) Service Warranties. The taxation of any charges for a service warranty contract depends on the taxability of the product being sold. If the retail sale of an item is exempt from tax, the charge for a service warranty sold with the item is exempt.

(18) License Fees or Other Fees Imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant's license fee or tax on retailers. The merchant's license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant's fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant's license fee is exempt.

(19) Rentals. Rentals of eligible items do not qualify for the exemption.

Rulemaking Authority Section 45, Chapter 2022-97, L.O.F. Law Implemented Section 45, Chapter 2022-97, L.O.F. History-New 05-09-22.

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: May 9, 2022

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: RULE TITLE:

12AER22-5 Sales Tax Exemption for ENERGY STAR Appliances During the Period of July 1, 2022, through June 30, 2023

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Section 53 of Chapter 2022-97, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the temporary sales tax exemption for certain ENERGY STAR appliances. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the sales tax exemption period.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Section 49 of Chapter 2022-97, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.

**SUMMARY:** During the period of July 1, 2022, through June 30, 2023, tax is not due on the retail sale of certain ENERGY STAR appliances.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Danielle Boudreaux, Technical Assistance and Dispute Resolution, telephone (850)717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER22-5 Sales Tax Exemption for ENERGY STAR Appliances During the Period of July 1, 2022, through June 30, 2023.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) "ENERGY STAR" means a product that is designated by the US Environmental Protection Agency and the US Department of Energy as meeting or exceeding each agency's requirements under the ENERGY STAR program and is affixed with an ENERGY STAR label.

(b) "Exemption period" means the period from July 1, 2022, through June 30, 2023.

(c) "Remote sale" means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other

means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this emergency rule, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(2) During the exemption period, tax is not due on the retail sale of new ENERGY STAR appliances for noncommercial use.

(a) The following appliances are eligible for this exemption:

1. A washing machine selling for \$1,500 or less.

2. A clothes dryer selling for \$1,500 or less.

3. A water heater selling for \$1,500 or less.

4. A refrigerator or combination refrigerator/freezer selling for \$3,000 or less.

(b) The sales tax exemption applies only to eligible items purchased for noncommercial use and does not apply when the product is purchased for trade, business, or resale.

(3) Gift Cards.

(a) Eligible items purchased during the exemption period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the exemption period using a gift card are taxable, even if the gift card was purchased during the exemption period.

(c) A gift card does not reduce the sales price of an item.

(4) Buy One, Get One for a Reduced Price. The total price of items advertised as “buy one, get one for a reduced price” cannot be averaged in order for both items to qualify for the exemption.

(5) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (e.g., different size or different color), no tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit towards the purchase of an item that did not qualify for the exemption, the new item purchased is subject to tax.

(6) Coupons, Discounts, and Rebates. The sales price of an item includes all consideration received by the retailer for that item. The price of an item is not limited to the amount paid by a customer.

(a) Manufacturer’s coupons do not reduce the sales price of an item, because the retailer is reimbursed for the amount of any discount provided to a customer. Therefore, the amount of the reimbursement is included in the taxable sales price of an item.

(b) Store coupons, discounts, or rebates offered by the retail seller reduces the sales price of an item because it reduces the total amount received by the retail seller for the item.

(c) Rebates occur after the sale and do not affect the sales price of an item purchased.

(7) Returns. When a customer returns an item purchased during the sales tax exemption period and requests a refund or credit of tax the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(8) Rain Checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify an eligible item for the exemption if the item is purchased after the exemption period.

(9) Layaway Sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the exemption period are tax exempt, even if final payment of the layaway is made after the exemption period. If a customer makes a final payment and takes delivery of the item during the exemption period, the eligible items are tax exempt.

(10) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the sales tax exemption period for immediate shipment, even if delivery is made after the sales tax exemption period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an “order number” to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

(11) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, and both taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total



shipping charge by the percentage of cost for each item. If the item sold is exempt, the associated shipping charge is also exempt.

(12) Service Warranties. The taxation of any charges for a service warranty contract depends on the taxability of the product being sold. If the retail sale of an item is exempt from tax, the charge for a service warranty sold with the item is exempt.

(13) License Fees or Other Fees Imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant's license fee or tax on retailers. The merchant's license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant's fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant's license fee is exempt.

(14) Installation Charges. When an eligible ENERGY STAR appliance does not become a part of real property and remains tangible personal property when installed, any separately itemized charge for the installation of the product is a part of the sales price of the product and is exempt when the total sales price of the eligible ENERGY STAR appliance does not exceed the applicable threshold.

(15) Rentals. Rentals of eligible items do not qualify for the exemption.

Rulemaking Authority Section 53, Chapter 2022-97, L.O.F. Law Implemented Section 49, Chapter 2022-97, L.O.F., 212.085, 213.37, F.S. History-New 05-09-22.

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: May 9, 2022

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE NO.: RULE TITLE:  
12AER22-6 Sales Tax Exemption for Children's Diapers; Baby and Toddler Clothing, Apparel, and Shoes During the Period of July 1, 2022, through June 30, 2023.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 53 of Chapter 2022-97, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the temporary tax exemption for children's diapers and baby and toddler clothing from July 1, 2022, through June 30, 2023. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the sales tax exemption period.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Sections 50 and 51 of Chapter 2022-97, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.

SUMMARY: During the period of July 1, 2022, through June 30, 2023, tax is not due on the retail sale of children's diapers and baby and toddler clothing.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Danielle Boudreaux, Technical Assistance and Dispute Resolution, telephone 850-717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER22-6 Sales Tax Exemption for Children's Diapers; Baby and Toddler Clothing, Apparel, and Shoes During the Period of July 1, 2022, through June 30, 2023.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a)1. "Clothing" and "apparel" means any article of clothing or wearing apparel intended to be worn on or about the human body.

2. "Clothing" and "apparel" do not include watches, watchbands, jewelry, umbrellas, and handkerchiefs.

(b) "Exemption period" means the period from July 1, 2022, through June 30, 2023.

(c) "Remote sale" means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this emergency rule, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(2) During the exemption period, tax is not due on the retail sale of the following:

(a) Single-use and reusable children's diapers, including those used for toilet training, and diaper inserts.

(b) Baby and toddler clothing, apparel, and shoes, primarily intended for children age 5 or younger.

(3) Sales of Sets Containing Both Exempt and Taxable Items. When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(4) Gift Cards.

(a) Eligible items purchased during the exemption period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the exemption period using a gift card are taxable, even if the gift card was purchased during the exemption period.

(5) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (e.g., different size or different color), no tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit towards the purchase of an item that did not qualify for the exemption, the new item purchased is subject to tax.

(6) Returns. When a customer returns an item purchased during the sales tax exemption period and requests a refund or credit of tax the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(7) Rain Checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify an eligible item for the exemption if the item is purchased after the exemption period.

(8) Layaway Sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the exemption period are tax exempt, even if final payment of the layaway is made after the exemption period. If a customer makes a final payment and takes delivery of the item during the exemption period, the eligible items are tax exempt.

(9) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the sales tax exemption period for immediate shipment, even if delivery is made after the sales tax exemption period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an "order number" to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be

delayed because of a backlog of orders or stock is currently unavailable or on back order.

(10) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, and both taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item. If an item is exempt, the associated shipping charge is also exempt.

(11) License Fees or Other Fees Imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant's license fee or tax on retailers. The merchant's license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant's fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant's license fee is exempt.

(12) Alterations to Eligible Items. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered is purchased.

(13) Rentals. Rentals of eligible items do not qualify for the exemption.

(14) List of Items of Clothing and Their Taxable Status During the Exemption Period. The following is a list of items of clothing and their taxable status during the exemption period. This is not an exhaustive list. T = Taxable, E = Exempt.

<u>A</u>	
<u>T</u>	<u>Accessories (generally)</u>
<u>E</u>	<u>Barrettes and bobby pins</u>
<u>E</u>	<u>Belt buckles</u>
<u>E</u>	<u>Bow ties</u>
<u>E</u>	<u>Hairnets, bows, clips, and hairbands</u>
<u>T</u>	<u>Handbags</u>
<u>T</u>	<u>Handkerchiefs</u>
<u>T</u>	<u>Jewelry</u>
<u>T</u>	<u>Key cases</u>
<u>E</u>	<u>Neckwear</u>
<u>E</u>	<u>Ponytail holders</u>
<u>E</u>	<u>Scarves</u>
<u>E</u>	<u>Ties</u>

T                    Wallets  
T                    Watchbands  
T                    Watches  
E                    Aerobic and fitness clothing  
E                    Aprons and clothing shields  
T                    Athletic gloves  
T                    Athletic pads  
E                    Athletic supporters  
  
B  
E                    Baby clothes  
T                    Backpacks and bookbags  
E                    Bandanas  
E                    Baseball cleats  
E                    Bathing suits, caps, and cover-  
                         ups  
E                    Belts  
E                    Bibs  
E                    Bicycle helmets (youth)\*\*  
E                    Blouses  
E                    Boots (except ski or fishing  
                         boots)  
E                    Bowling shoes  
E                    Braces and supports worn to  
                         correct or alleviate a physical  
                         incapacity or injury\*  
  
C  
T                    Chest protectors  
E                    Choir and altar clothing\*  
E                    Cleated and spiked shoes  
T                    Cloth, lace, knitting yarns, and  
                         other fabrics  
T                    Clothing repair items, such as  
                         thread, buttons, tapes, iron-on  
                         patches, or zippers  
E                    Coats  
T                    Coin purses  
E                    Costumes  
E                    Coveralls  
T                    Crib blankets  
  
D-E  
T                    Diaper bags  
E                    Diapers, diaper inserts, diapers  
for toilet training

T                    Diving suits (wet and dry)  
E                    Dresses  
T                    Duffel bags  
T                    Elbow pads  
  
F  
T                    Fanny packs  
T                    Fins  
T                    Fishing boots (waders)  
E                    Fishing vests (nonflotation)  
T                    Football pads  
E                    Formal clothing  
  
G  
T                    Garment bags  
T                    Gloves (generally)  
                         T                    Baseball  
                         T                    Batting  
                         T                    Bicycle  
                         E                    Dress  
                         E                    Garden  
                         T                    Golf  
                         T                    Hockey  
                         E                    Leather  
                         T                    Rubber  
                         T                    Surgical  
                         T                    Tennis  
T                    Goggles (except prescription\*)  
E                    Graduation caps and gowns  
E                    Gym suits and uniforms  
  
H  
T                    Hard hats  
E                    Hats and caps  
T                    Helmets (bicycle\*\*, baseball,  
football, hockey, motorcycle, sports)  
E                    Hosiery and pantyhose  
E                    Hunting vests  
  
I-J  
T                    Ice skates  
T                    In-line skates  
E                    Jackets  
E                    Jeans

K  
T Key chains  
T Knee pads

L  
E Leggings, tights, and leg warmers  
E Leotards  
T Life jackets and vests  
T Luggage

M-P  
E Martial arts attire  
E Overshoes and rubber shoes  
T Pads (football, hockey, soccer, elbow, knee, shoulder)  
T Paint or dust masks  
E Pants  
T Patterns  
T Protective masks (athletic)  
T Purses

R  
E Raincoats, rain hats, and ponchos  
E Receiving blankets  
E Religious clothing\*  
T Repair of wearing apparel  
E Robes  
T Roller blades  
T Roller skates

S  
E Safety clothing  
T Safety glasses (except prescription\*)  
E Safety shoes  
E Scout uniforms  
E Shawls and wraps  
T Shin guards and padding  
E Shirts  
E Shoe inserts and insoles  
E Shoes (including athletic)  
E Shoulder pads (e.g., dresses, jackets)  
T Shoulder pads (e.g., football,

hockey)  
E Shorts  
E Ski boots (snow)  
T Ski vests (water)  
E Ski suits (snow)  
T Skin diving suits  
E Skirts  
E Sleepwear (nightgowns and pajamas)  
E Slippers  
E Slips  
E Socks  
T Suitcases  
E Suits, slacks, and jackets  
T Sunglasses (except prescription\*)  
E Suspenders  
E Sweatbands  
E Sweaters  
T Swimming masks  
E Swimsuits and trunks

T  
E Ties (neckties, bow ties)  
E Tuxedos

U  
T Umbrellas  
E Underclothes  
E Uniforms (work, school, and athletic - excluding pads)

V-W  
E Vests  
T Wigs

\* These items are always exempt as religious, prescription, prosthetic, or orthopedic items.

\*\* Bicycle helmets marketed for use by youth are always exempt from sales tax.

Rulemaking Authority Section 53, Chapter 2022-97, L.O.F. Law Implemented Sections 50 and 51, Chapter 2022-97, L.O.F. History-New 05-09-22.

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: 05/09/2022

**DEPARTMENT OF REVENUE****Sales and Use Tax**

RULE NO.: 12AER22-7  
 RULE TITLE: Sales Tax Exemption for Impact-Resistant Windows, Impact-Resistant Doors, and Impact-Resistant Garage Doors During the Period of July 1, 2022, through June 30, 2024

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Section 53 of Chapter 2022-97, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the temporary sales tax exemption for impact-resistant windows, doors, and garage doors from July 1, 2022, through June 30, 2024. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the sales tax exemption period.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Section 52 of Chapter 2022-97, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.

**SUMMARY:** During the period of July 1, 2022, through June 30, 2024, tax is not due on the retail sale of impact-resistant windows, impact-resistant doors, and impact-resistant garage doors.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Danielle Boudreaux, Technical Assistance and Dispute Resolution, telephone 850-717-7082, email RuleComments@floridarevenue.com.

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

12AER22-7 Sales Tax Exemption for Impact-Resistant Windows, Impact-Resistant Doors, and Impact-Resistant Garage Doors During the Period of July 1, 2022, through June 30, 2024.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) "Exemption period" means the period from July 1, 2022, through June 30, 2024.

(b) "Impact-resistant window," "impact-resistant door," and "impact-resistant garage door" means a window, door, or garage door labeled as impact resistant or has an impact-resistance rating.

(c) "Remote sale" means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order

outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this emergency rule, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(2) During the exemption period, tax is not due on the retail sale of the following:

(a) Impact-resistant windows

(b) Impact-resistant doors

(c) Impact-resistant garage doors

(3) Gift Cards.

(a) Eligible items purchased during the exemption period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the exemption period using a gift card are taxable, even if the gift card was purchased during the exemption period.

(4) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size or different color), no tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit towards the purchase of an item that did not qualify for the exemption, the new item purchased is subject to tax.

(5) Returns. When a customer returns an item purchased during the sales tax exemption period and requests a refund or credit of tax the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(6) Rain checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify an eligible item for the exemption if the item is purchased after the exemption period.

(7) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the sales tax exemption period for immediate shipment, even if delivery is made after the sales tax exemption period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an "order number" to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

(8) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, and both taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item. If an item is exempt, the associated shipping charge is also exempt.

(9) Service Warranties. The taxation of any charges for a service warranty contract depends on the taxability of the product being sold. If the retail sale of an item is exempt from tax, the charge for a service warranty sold with the item is exempt.

(10) License Fees or Other Fees Imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant’s license fee or tax on retailers. The merchant’s license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant’s fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant’s license fee is exempt.

Rulemaking Authority Section 53, Chapter 2022-97, L.O.F. Law Implemented Section 52, Chapter 2022-97, L.O.F. History-New 05-09-22.

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: May 9, 2022

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12AER22-8  
RULE TITLE: Sales of Clothing and School Supplies; Sales Tax Holiday During the Period July 25, 2022, through August 7, 2022.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 43 of Chapter 2022-97, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the sales tax holiday from July 25, 2022, through August 7, 2022, for clothing, wallets, and bags; school supplies; learning aids and jigsaw puzzles;

personal computers and personal computer-related accessories. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the sales tax holiday.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Section 43 of Chapter 2022-97, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.

SUMMARY: During the period of July 25, 2022, through August 7, 2022, sales tax is not due on the retail sale of clothing, wallets, and bags; school supplies; learning aids and jigsaw puzzles; personal computers and personal computer-related accessories.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Danielle Boudreaux, Technical Assistance and Dispute Resolution, telephone 850-717-7082, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER22-8 Sales of Clothing and School Supplies; Sales Tax Holiday During the Period July 25, 2022, through August 7, 2022.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) “Airport” means a facility as defined in s. 330.27(2), F.S.

(b)1. “Clothing” means any article of wearing apparel intended to be worn on or about the human body, including all footwear, except skis, swim fins, roller blades, and skates.

2. “Clothing” does not include watches, watchbands, jewelry, umbrellas, and handkerchiefs.

(c) “Holiday period” means the period from July 25, 2022, through August 7, 2022.

(d) “Learning aids” means flashcards or other learning cards, matching or other memory games, puzzle books and search-and-find books, interactive or electronic books and toys intended to teach reading or math skills, and stacking or nesting blocks or sets.

(e)1. “Personal computers” includes electronic book readers, laptops, desktops, handheld devices, tablets, or tower computers.

2. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(f) “Personal computer-related accessories.”

1. The term includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers,

and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit.

2. The term does not include furniture, or systems, devices, software, or other peripherals that are designed or intended primarily for recreational use.

3. The term “monitor” does not include a device that includes a television tuner.

4. The term “nonrecreational software” includes software such as antivirus, word processing, financial, database, and educational software. It does not include gaming software.

(g) “Public lodging establishment” means a facility as defined in s. 509.013(4), F.S.

(h) “Remote sale” means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this emergency rule, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(i) “School supplies” means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, staplers and staples used to secure paper products, protractors, compasses, and calculators.

(j) “Theme park or entertainment complex” means a facility as defined in s. 509.013(9), F.S.

(2) Clothing Sales.

(a) During the holiday period, tax is not due of the retail sale of any article of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a sales price of \$100 or less per item. This exemption does not apply to sales of clothing, wallets, or bags within a theme park or entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of clothing, wallet, or bag, selling for \$100 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$55 each. Both items are eligible for the exemption, even though the customer’s total purchase price (\$110) exceeds \$100.

(c)1. The exemption does not apply to the first \$100 of price of an eligible item of clothing, wallet, or bag selling for more than \$100.

2. Example: A customer purchases a pair of pants costing \$120. Tax is due on the entire \$120.

(3) School Supplies.

(a)1. During the holiday period, tax is not due of the retail sale of any item of school supplies with a sales price of \$50 or less per item. This exemption does not apply to sales of school supplies within a theme park or entertainment complex, public lodging establishment, or airport.

2. Example: A customer purchases a set of art markers for \$45. The purchase qualifies for the exemption.

3. Example: A customer purchases a calculator costing \$75. Tax is due on the entire \$75.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$50 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases 15 notebooks for \$4.50 each. All 15 items will qualify for the exemption, even though the customer’s total purchase price (\$67.50) exceeds \$50.

(4) Learning Aids and Jigsaw Puzzles. During the holiday period, tax is not due of the retail sale of any learning aid or jigsaw puzzle with a sales price of \$30 or less. This exemption does not apply to sales of learning aids or jigsaw puzzles within a theme park or entertainment complex, public lodging establishment, or airport.

(5) Personal Computers and Certain Personal Computer-Related Accessories.

(a) During the holiday period, tax is not due of the retail sale of any personal computer or personal computer-related accessories for noncommercial home or personal use with a sales price of \$1,500 or less. This exemption does not apply to sales of personal computers or personal computer-related accessories within a theme park or entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible personal computer or qualifying personal computer-related accessory selling for \$1,500 or less per item.

2. Example: A customer purchases a \$950 personal computer, a \$100 printer, and a \$400 tablet in a single transaction. Each item will qualify for the exemption on the total cost of the individual item.

3. Example: A customer purchases a personal computer costing \$1,700. Tax is due on the entire \$1,700.

(6) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(b) Example: A gift set consisting of a wallet (which is defined as an eligible “clothing item”) and key chain (which is not defined as an eligible “clothing item”) is sold for a single price of \$35. Although the wallet would otherwise be exempt

during the holiday period, the sales price of the gift set is subject to tax.

(c) Example: A packaged set consisting of a bottle of correction fluid (which is not defined as an eligible “school supply”) and pens (which are defined as an eligible “school supply”) is sold for a single price of \$10. Although the pens would otherwise be exempt during the holiday period, the sales price of the packaged set is subject to tax.

(7) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$120. The pair of shoes cannot be split in order to sell each shoe for \$60 to qualify for the exemption.

(c) Example: A two-piece suit is normally priced at \$150 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$75 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$100 or less.

(d) Example: A pen and pencil set is normally priced at \$60 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$30 or less in order to qualify for the exemption.

(8) Gift Cards.

(a) Eligible items purchased during the holiday period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the holiday period using a gift card are taxable, even if the gift card was purchased during the holiday period.

(c) A gift card does not reduce the sales price of an item.

(9) Buy One, Get One Free or for a Reduced Price. The total price of items advertised as “buy one, get one free” or “buy one, get one for a reduced price” cannot be averaged in order for both items to qualify for the exemption.

(10) Exchanges.

(a) If a customer purchases an eligible item during the holiday period, then later exchanges the item for the same item (e.g., different size or different color), no tax will be due even if the exchange is made after the holiday period.

(b) If a customer purchases an eligible item during the holiday period, then later returns the item and receives credit towards the purchase of an item that did not qualify for the exemption, the new item purchased is subject to tax.

(11) Coupons, Discounts, and Rebates. The sales price of an item includes all consideration received by the retailer for that item. The price of an item is not limited to the amount paid by a customer.

(a) Manufacturer’s coupons do not reduce the sales price of an item, because the retailer is reimbursed for the amount of any discount provided to a customer. Therefore, the amount of the reimbursement is included in the taxable sales price of an item.

(b) Store coupons, discounts, or rebates offered by the retail seller reduce the sales price of an item because it reduces the total amount received by the retail seller for the item.

(c) Rebates that occur after the sale do not affect the sales price of an item purchased.

(12) Returns. When a customer returns an item purchased during the sales tax holiday period and requests a refund or credit of tax the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(13) Rain checks. Eligible items purchased during the holiday period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the holiday period will not qualify an eligible item for the exemption if the item is actually purchased after the holiday period.

(14) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the holiday period are tax exempt, even if final payment of the layaway is made after the holiday period. If a customer makes a final payment and takes delivery of the item during the holiday period, the eligible items are tax exempt.

(15) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the sales tax holiday period for immediate shipment, even if delivery is made after the sales tax holiday period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an “order number” to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

(16) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, and both taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the



charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item. If an item is exempt, the associated shipping charge is also exempt.

(17) Service Warranties. The taxation of any charges for a service warranty contract depends on the taxability of the product being sold. If the retail sale of an item is exempt from tax, the charge for a service warranty sold with the item is exempt.

(18) License Fees or Other Fees imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant’s license fee or tax on retailers. The merchant’s license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant’s fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant’s license fee is exempt.

(19) Repairs or Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b) Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered is purchased.

(20) Option to not participate. Qualified businesses may choose not to participate in the tax holiday.

(a) Qualification. Businesses may choose to opt out of the tax holiday when less than five percent (5%) of their gross sales of tangible personal property during calendar year 2021 are sales of items that would be exempt during the tax holiday period. Businesses with multiple locations must include the gross sales of all of their Florida locations into this calculation. For businesses that were not in operation during the 2021 calendar year, this option is available when less than five percent (5%) of the inventory of items for sale by the business are items that would be tax exempt during the tax holiday.

(b) Election. Qualifying businesses choosing not to participate in the tax holiday must send a written notice to the Florida Department of Revenue by July 18, 2022. The notice must be on business letterhead and state that the business meets the qualifications stated in paragraph (a) and has chosen not to participate in the tax holiday. The notice must be signed by an individual authorized to sign on behalf of the business. Businesses with multiple locations may send a single notice stating that all of their Florida locations will not participate in the tax holiday. The notice may be delivered in one of three ways:

1. A letter can be mailed to the following mailing address:  
Sales Tax Holiday

Account Management MS 1-5730  
Florida Department of Revenue  
5050 W Tennessee St  
Tallahassee, FL 32399-0160

2. A scanned letter can be emailed to:  
registration@floridarevenue.com.

3. A letter can be faxed to 850-922-0859.

(c) Sample Notice. The notice may take any form as long as it clearly states that the business is electing not to participate in the holiday. An example of notice language is as follows: “In accordance with Section 43 of Chapter 2022-97, Laws of Florida, (Name of Business) has chosen not to participate in the Back-to-School Sales Tax Holiday, July 25, 2022, through August 7, 2022. For questions, please contact (name of contact person at business) at (contact telephone number or email address).” The notice must be signed by an authorized individual.

(d) Posting of Notice. Businesses that do not participate in the tax holiday must post the notice at each business location stating their choice not to participate in the Back-to-School Sales Tax Holiday. The notice must be posted in a conspicuous location where it is easily visible to customers.

(21) Rentals. Rentals of eligible items do not qualify for the exemption.

(22) List of Items of Clothing and Their Taxable Status During the Holiday Period. The following is a list of items of clothing and their taxable status during the holiday period, if they are sold for \$100 or less per item. This is not an exhaustive list. T = Taxable, E = Exempt.

<u>A</u>	
<u>T</u>	<u>Accessories (generally)</u>
<u>E</u>	<u>Barrettes and bobby pins</u>
<u>E</u>	<u>Belt buckles</u>
<u>E</u>	<u>Bow ties</u>
<u>E</u>	<u>Hairnets, bows, clips, and hairbands</u>
<u>E</u>	<u>Handbags</u>
<u>T</u>	<u>Handkerchiefs</u>
<u>T</u>	<u>Jewelry</u>
<u>T</u>	<u>Key cases</u>
<u>E</u>	<u>Neckwear</u>
<u>E</u>	<u>Ponytail holders</u>
<u>E</u>	<u>Scarves</u>
<u>E</u>	<u>Ties</u>
<u>E</u>	<u>Wallets</u>
<u>T</u>	<u>Watchbands</u>
<u>T</u>	<u>Watches</u>
<u>E</u>	<u>Aerobic and fitness clothing</u>
<u>E</u>	<u>Aprons and clothing shields</u>

T Athletic gloves  
T Athletic pads  
E Athletic supporters

B  
E Baby clothes  
E Backpacks and book bags  
E Bandanas  
E Baseball cleats  
E Bathing suits, caps, and cover-ups  
E Belts  
E Bibs  
E Bicycle helmets (youth)\*\*  
E Blouses  
E Boots (except ski or fishing boots)  
E Bowling shoes (purchased)  
T Bowling shoes (rented)  
E Braces and supports worn to correct or alleviate a physical incapacity or injury\*  
E Bras  
T Briefcases

C  
T Checkbook covers (separate from wallets)  
T Chest protectors  
E Choir and altar clothing\*  
E Cleated and spiked shoes  
E Clerical vestments\*  
T Cloth, lace, knitting yarns, and other fabrics  
T Clothing repair items, such as thread, buttons, tapes, iron-on patches, or zippers  
E Coats  
E Coin purses  
T Corsages and boutonnieres  
T Cosmetic bags  
E Costumes  
E Coveralls  
T Crib blankets

D-E  
E Diaper bags  
E Diapers, diaper inserts (adult and baby, cloth or disposable)  
T Diving suits (wet and dry)  
E Dresses  
T Duffel bags  
T Elbow pads

F  
E Fanny packs  
T Fins  
T Fishing boots (waders)  
E Fishing vests (nonflotation)  
T Football pads  
E Formal clothing (purchased)  
T Formal clothing (rented)

G  
T Garment bags  
T Gloves (generally)  
T Baseball  
T Batting  
T Bicycle  
E Dress (purchased)  
E Garden  
T Golf  
T Hockey  
E Leather  
T Rubber  
T Surgical  
T Tennis  
E Work

T Goggles (except prescription\*)  
E Graduation caps and gowns  
E Gym suits and uniforms

H  
T Hard hats  
E Hats and caps  
T Helmets (bicycle\*\*, baseball, football, hockey, motorcycle, sports)  
E Hosiery and pantyhose, including support hosiery  
E Hunting vests

I-J  
T Ice skates  
T In-line skates  
E Jackets  
E Jeans

K  
T Key chains  
T Knee pads

L  
E Lab coats  
E Leggings, tights, and leg warmers

<u>E</u>	<u>Leotards</u>
<u>T</u>	<u>Life jackets and vests</u>
<u>E</u>	<u>Lingerie</u>
<u>T</u>	<u>Luggage</u>
<u>M-N</u>	
<u>T</u>	<u>Makeup bags</u>
<u>E</u>	<u>Martial arts attire</u>
<u>O-P</u>	
<u>E</u>	<u>Overshoes and rubber shoes</u>
<u>T</u>	<u>Pads (football, hockey, soccer, elbow, knee, shoulder)</u>
<u>T</u>	<u>Paint or dust masks</u>
<u>E</u>	<u>Pants</u>
<u>T</u>	<u>Patterns</u>
<u>T</u>	<u>Protective masks (athletic)</u>
<u>E</u>	<u>Purses</u>
<u>R</u>	
<u>E</u>	<u>Raincoats, rain hats, and ponchos</u>
<u>E</u>	<u>Receiving blankets</u>
<u>E</u>	<u>Religious clothing*</u>
<u>T</u>	<u>Rented clothing or footwear (including uniforms, formal wear, and bowling shoes)</u>
<u>T</u>	<u>Repair of wearing apparel</u>
<u>E</u>	<u>Robes</u>
<u>T</u>	<u>Roller blades</u>
<u>T</u>	<u>Roller skates</u>
<u>S</u>	
<u>E</u>	<u>Safety clothing</u>
<u>T</u>	<u>Safety glasses (except prescription*)</u>
<u>E</u>	<u>Safety shoes</u>
<u>E</u>	<u>Scout uniforms</u>
<u>T</u>	<u>Shaving kits/bags</u>
<u>E</u>	<u>Shawls and wraps</u>
<u>T</u>	<u>Shin guards and padding</u>
<u>E</u>	<u>Shirts</u>
<u>E</u>	<u>Shoe inserts and insoles</u>
<u>E</u>	<u>Shoes (including athletic)</u>
<u>E</u>	<u>Shoulder pads (e.g., dresses, jackets)</u>
<u>T</u>	<u>Shoulder pads (e.g., football, hockey)</u>
<u>E</u>	<u>Shorts</u>
<u>T</u>	<u>Ski boots (snow)</u>
<u>T</u>	<u>Ski vests (water)</u>
<u>E</u>	<u>Ski suits (snow)</u>

<u>T</u>	<u>Skin diving suits</u>
<u>E</u>	<u>Skirts</u>
<u>E</u>	<u>Sleepwear (nightgowns and pajamas)</u>
<u>E</u>	<u>Slippers</u>
<u>E</u>	<u>Slips</u>
<u>E</u>	<u>Socks</u>
<u>T</u>	<u>Suitcases</u>
<u>E</u>	<u>Suits, slacks, and jackets</u>
<u>T</u>	<u>Sunglasses (except prescription*)</u>
<u>E</u>	<u>Suspenders</u>
<u>E</u>	<u>Sweatbands</u>
<u>E</u>	<u>Sweaters</u>
<u>T</u>	<u>Swimming masks</u>
<u>E</u>	<u>Swimsuits and trunks</u>
<u>T</u>	
<u>E</u>	<u>Ties (neckties, bow ties)</u>
<u>E</u>	<u>Tuxedos (excluding rentals)</u>
<u>U</u>	
<u>T</u>	<u>Umbrellas</u>
<u>E</u>	<u>Underclothes</u>
<u>E</u>	<u>Uniforms (work, school, and athletic - excluding pads)</u>
<u>V-W</u>	
<u>E</u>	<u>Vests</u>
<u>T</u>	<u>Weight-lifting belts</u>
<u>T</u>	<u>Wigs</u>

\* These items are always exempt as religious, prescription, prosthetic, or orthopedic items.

\*\* Bicycle helmets marketed for use by youth are always exempt from sales tax.

(23) List of School Supplies and Their Taxable Status During the Holiday Period. The following is a list of school supplies and their taxable status during the holiday period if they are sold for \$50 or less per item.

T = Taxable, E = Exempt.

<u>E</u>	<u>Binders</u>
<u>T</u>	<u>Books not otherwise exempt</u>
<u>E</u>	<u>Calculators</u>
<u>E</u>	<u>Cellophane (transparent) tape</u>
<u>E</u>	<u>Colored pencils</u>
<u>E</u>	<u>Compasses</u>
<u>E</u>	<u>Composition books</u>
<u>E</u>	<u>Computer disks (blank CDs only)</u>
<u>T</u>	<u>Computer paper</u>
<u>E</u>	<u>Construction paper</u>
<u>T</u>	<u>Correction tape, fluid, or pens</u>
<u>E</u>	<u>Crayons</u>

<u>E</u>	<u>Erasers</u>
<u>E</u>	<u>Folders</u>
<u>E</u>	<u>Glue (stick and liquid)</u>
<u>E</u>	<u>Highlighters</u>
<u>E</u>	<u>Legal pads</u>
<u>E</u>	<u>Lunch boxes</u>
<u>E</u>	<u>Markers</u>
<u>T</u>	<u>Masking tape</u>
<u>E</u>	<u>Notebook filler paper</u>
<u>E</u>	<u>Notebooks</u>
<u>E</u>	<u>Paste</u>
<u>E</u>	<u>Pencils, including mechanical and refills</u>
<u>E</u>	<u>Pens, including felt, ballpoint, fountain, highlighters, and refills</u>
<u>E</u>	<u>Poster board</u>
<u>E</u>	<u>Poster paper</u>
<u>T</u>	<u>Printer paper</u>
<u>E</u>	<u>Protractors</u>
<u>E</u>	<u>Rulers</u>
<u>E</u>	<u>Scissors</u>
<u>E</u>	<u>Staplers and staples (used to secure paper products)</u>

(24) List of Learning Aids and Jigsaw Puzzles and Their Taxable Status During the Holiday Period. The following is a list of learning aids and jigsaw puzzles and their taxable status during the holiday period if they are sold for \$30 or less per item. T = Taxable, E = Exempt.

<u>E</u>	<u>Electronic books</u>
<u>E</u>	<u>Flash cards</u>
<u>E</u>	<u>Interactive books</u>
<u>E</u>	<u>Jigsaw puzzles</u>
<u>E</u>	<u>Learning cards</u>
<u>E</u>	<u>Matching games</u>
<u>E</u>	<u>Memory games</u>
<u>E</u>	<u>Puzzle books</u>
<u>E</u>	<u>Search-and-find books</u>
<u>E</u>	<u>Stacking or nesting blocks or sets</u>
<u>E</u>	<u>Toys that teach reading or math skills</u>

(25) List of Personal Computers and Related Accessories and Their Taxable Status During the Holiday Period. The following is a list of personal computers and related accessories, and their taxable status during the holiday period if they are sold for \$1,500 or less per item. This is not an inclusive list. T = Taxable, E = Exempt.

<u>T</u>	<u>Batteries (regular)***</u>
<u>E</u>	<u>Cables for computers</u>
<u>E</u>	<u>Car adaptors for laptop computers</u>
<u>T</u>	<u>Cases for electronic devices (including electronic reader covers)</u>

<u>T</u>	<u>CDs/DVDs (music, voice, prerecorded items)</u>
<u>T</u>	<u>Cellular telephones (including smart telephones)</u>
<u>E</u>	<u>Central processing units (CPU)</u>
<u>E</u>	<u>Compact disk drives</u>
<u>E</u>	<u>Computer for noncommercial home or personal use</u>
<u>E</u>	<u>Desktop</u>
<u>E</u>	<u>Laptop</u>
<u>E</u>	<u>Tablet</u>
<u>T</u>	<u>Computer bags</u>
<u>E</u>	<u>Computer batteries</u>
<u>T</u>	<u>Computer paper</u>
<u>E</u>	<u>Computer towers consisting of a central processing unit, random-access memory, and a storage drive</u>
<u>T</u>	<u>Computers designed/intended for recreation (games and toys)</u>
<u>T</u>	<u>Copy machines and copier ink/toner</u>
<u>E</u>	<u>Data storage devices (excludes those devices designed for use in digital cameras or other taxable items)</u>
<u>E</u>	<u>Blank CDs</u>
<u>E</u>	<u>Diskettes</u>
<u>E</u>	<u>Flash drives</u>
<u>E</u>	<u>Jump drives</u>
<u>E</u>	<u>Memory cards</u>
<u>E</u>	<u>Portable hard drives</u>
<u>E</u>	<u>Storage drives</u>
<u>E</u>	<u>Thumb drives</u>
<u>E</u>	<u>Zip drives</u>
<u>T</u>	<u>Digital cameras</u>
<u>T</u>	<u>Digital media receivers</u>
<u>E</u>	<u>Docking stations (for computers)</u>
<u>E</u>	<u>Electronic book readers</u>
<u>T</u>	<u>Fax machines (stand-alone)</u>
<u>T</u>	<u>Furniture</u>
<u>T</u>	<u>Game controllers (e.g., joy sticks, nunchucks)</u>
<u>T</u>	<u>Game systems and consoles</u>
<u>T</u>	<u>Games and gaming software</u>
<u>E</u>	<u>Hard drives</u>
<u>E</u>	<u>Headphones (including earbuds)</u>
<u>E</u>	<u>Ink cartridges (for computer printers)</u>
<u>E</u>	<u>Keyboards (for computers)</u>
<u>E</u>	<u>Mice (mouse devices)</u>
<u>E</u>	<u>Microphones (for computers)</u>

- E Modems
- E Monitors (except devices that include a television tuner)
- E Motherboards
- T MP3 players or accessories
- E Personal digital assistant devices (except cellular telephones)
- E Port replicators
- E Printer cartridges
- E Printers (including "all-in-one" models)
- T Projectors
- E RAM - random access memory
- T Rented computers or computer accessories
- E Routers
- E Scanners
- T Smart telephones
- E Software (nonrecreational)
  - E Antivirus
  - E Database
  - E Educational
  - E Financial
  - E Word processing
- E Speakers (for computers)
- E Storage drives (for computers)
- T Surge protectors
- E Tablets
- T Tablet cases or covers
- T Televisions (including digital media receivers)
- T Video game consoles
- E Web cameras

\*\*\* Batteries for use in prosthetic or orthopedic appliances are always exempt from tax.

Rulemaking Authority Section, 43, Chapter 2022-97, L.O.F. Law Implemented Section 43, Chapter 2022-97, L.O.F. History-New 05-09-22.

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: May 9, 2022

## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
Division of Hotels and Restaurants

RULE NO.: RULE TITLE:  
61C-5.001 Safety Standards  
NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Phase I Bldg. 4 at 1091 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-042).  
A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
Division of Hotels and Restaurants  
RULE NO.: RULE TITLE:  
61C-5.001 Safety Standards  
NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Phase I Bldg. 5 at 1101 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-043).  
A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
Division of Hotels and Restaurants  
RULE NO.: RULE TITLE:  
61C-5.001 Safety Standards  
NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Phase I Bldg. 11 at

1071 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-045).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Phase I Bldg. 10 at 1061 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-046).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Phase I Bldg. 12 at 1040 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the

publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-047).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Phase I Bldg. 13 at 1030 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-048).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Bldg. 14 at 1020 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-049).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, Bureau of

Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sovereign at Town Center Phase I Bldg. 15 at 1010 Loblolly Ln., Davenport, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-050).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 05, 2022, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 5201 Congress Ave. at 5201 Congress Ave., Boca Raton, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, 2016 edition, Sections 2.8.1 and 2.8.2.2, as adopted by 61C-5.001, Florida Administrative Code that requires an antenna not be placed in the elevator shaft which poses a significant hardship. Any interested person may file comments within 5 days of the publication of this notice with Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2022-051).

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Farmworkers Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 19, 2022, 1:00 p.m.

PLACE: Zoom at <https://us06web.zoom.us/j/86872318078?pwd=ZlZrNUZTT2h1WFU5WFNHM0xZVzI0dz09; Meeting ID: 868 7231 8078; Passcode: 131271; Dial-in: 1-929-205-6099>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Farmworkers Advisory Council will conduct a meeting to discuss general business.

A copy of the agenda may be obtained by contacting: Ricardo Alvarez at (850) 766-8583 or Ricardo.Alvarez@FDACS.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 2 days before the workshop/meeting by contacting: Ricardo Alvarez at (850) 766-8583 or Ricardo.Alvarez@FDACS.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ricardo Alvarez at (850) 766-8583 or Ricardo.Alvarez@FDACS.gov.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announce the following Deep Dive Workshop, which is open to the public, and an Executive Session for Tuesday, May 17, 2022. All meetings will be held at the College's Administrative Offices (AO), 501 West State Street, Jacksonville, FL 32202.

EXECUTIVE SESSION:

TIME: 11:30 a.m. – 12:00 Noon (~ 30 minutes)

PLACE: AO, Conference Room 403A

GENERAL SUBJECT MATTER(S) TO BE CONSIDERED: Executive Session and Board discussion regarding the Faculty Collective Bargaining Agreement and related labor matters pursuant to Section 447.605, Florida Statutes (2021). Pursuant to Section 447.605, Florida Statutes (2021), the Executive Session is closed to the public and exempt from the provisions of Section 286.011, Florida Statutes (2021). Documents prepared for the Executive Session pertaining to faculty

collective bargaining are confidential and exempt from Section 119.07(1), Florida Statutes (2021).

Attendees: FSCJ DBOT Members; FSCJ College President; FSCJ Interim Vice President of Finance and Administration; FSCJ Chief Human Resources Officer; and Certified Court Report.

Deep Dive Workshop – Budget

TIME: 12:00 Noon – 2:00 p.m.

PLACE: AO, Board Room 405

GENERAL SUBJECT MATTER(S) TO BE CONSIDERED: 2022/23 Budget Overview

A copy of the workshop agenda may be obtained by contacting: Kimberli Sodek, Office of the College President (OCP) Administration Support Manager at Kim.Sodek@fscj.edu. Copies of the workshop agenda will be available for inspection beginning Tuesday, May 10, 2022, and provided upon written request and the payment of approved duplicating charges.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop is asked to advise the agency at least 24 hours before the workshop by contacting: The OCP Administration Support Manager Kimberli Sodek at 904.632.3205 or Kim.Sodek@fscj.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).

Florida State College at Jacksonville does not discriminate against any person on the basis of race, disability, color, ethnicity, national origin, religion, gender, age, sex, sexual orientation/expression, marital status, veteran status, pregnancy or genetic information in its programs, activities and employment. For more information, visit FSCJ's Equal Access/Equal Opportunity page.

For more information, you may contact: Kimberli Sodek, OCP Administration Support Manager at 904.632.3205 or Kim.Sodek@fscj.edu.

**PUBLIC SERVICE COMMISSION  
FAR NOTICE OF COMMISSION MEETING**

The Florida Public Service Commission announces a public meeting (telephonic) in the following matter to which all persons are invited.

DATE AND TIME: May 24, 2022, 3:00 p.m.

PLACE: Telephone: 1-888-585-9008 Conference Code: 416-925-719

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Telecommunications Access System Act Advisory Committee established pursuant to §427.705, F.S. The purpose of the meeting is to discuss current relevant issues related to relay. One or more of the Commissioners of the Florida Public Service Commission may attend and participate

in this meeting. A copy of the meeting agenda may be obtained by contacting: Curtis Williams, cjwillia@psc.state.fl.us or at (850) 413-6924. Mr. Williams is also available to answer questions about this meeting.

ADA: 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 fewer than five days before the meeting at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD).

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

**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council

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

DATE AND TIME: May 17, 2022, 11:00 a.m.

PLACE: Virtual Meeting via Communications Media Technology

The meeting will be conducted via communications media technology in the following format:

DIAL IN NUMBER: Toll free 1.888.585.9008

CONFERENCE CODE: 568 124 316

Communications media technology facilities will be available at 2009 NW 67th Place, Gainesville, Florida 32653-1603 for persons interested in accessing the virtual meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: 352.955.2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the



proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 19, 2022, 10:00 a.m. ET  
 PLACE: Call 850-270-6017, enter the phone conference I.D., 559 319 993 followed by the # key.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Disposition of cases before the Florida Commission on Human Relations.

No public testimony will be taken. No oral argument from the public or oral comment from the public will be taken.

A copy of the agenda may be obtained by contacting: John Scotese at 850-907-6826 or John.Scotese@fchr.myflorida.com

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Department of Business and Professional Regulation Construction Industry Licensing Board announces a hearing to which all persons are invited.

DATE AND TIME: May 19, 2021, 10:00 a.m. – 12:00 Noon  
 PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A portion of this hearing will be public in order to review complaints in which a determination of the existence of Probable Cause has already been made. All other portions will be private.

A copy of the agenda may be obtained by contacting: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399.

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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Water Restoration Assistance**

The Department of Environmental Protection, State Revolving Fund Program announces a public meeting to which all persons are invited.

DATE AND TIME: May 25, 2022, 2:00 p.m. – 4:00 p.m.  
 PLACE: Virtual meeting, email Andrew.Briscoe@FloridaDEP.gov for an invitation.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A public virtual meeting will commence at 2:00 p.m. until not later than 4:00 p.m., to discuss the issues and recommendations for management of the FY 2022 Clean Water State Revolving Fund and Drinking Water State Revolving Fund priority lists of projects to be funded with loans under Chapter 62-503 and Chapter 62-552, Florida Administrative Code, respectively. To request an invitation to the virtual meeting, please send an email to: Andrew.Briscoe@FloridaDEP.gov.

A copy of the agenda may be obtained by contacting: Andrew Briscoe, State Revolving Fund Program, 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida 32399-3000, (850) 245-2928, Andrew.Briscoe@FloridaDEP.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 5 days before the workshop/meeting by contacting: Andrew Briscoe. 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: Andrew Briscoe, (850) 245-2928, Andrew.Briscoe@FloridaDEP.gov, State Revolving Fund Program, 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida 32399-3000.

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

The Child Abuse Death Review Circuit 2 Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 15, 2022, 1:30 p.m. – 1:45 p.m.  
 PLACE: Microsoft Teams Meeting Link:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZjZjNTJkMGUtMzZIYi00OTE0LTkwNWUtOGVhNTk3YmZIMTgy%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%22a647ac7d-b626-48dc-bbc5-50ef0c6f4dd8%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjZjNTJkMGUtMzZIYi00OTE0LTkwNWUtOGVhNTk3YmZIMTgy%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%22a647ac7d-b626-48dc-bbc5-50ef0c6f4dd8%22%7d)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee will address administrative issues, review cases, and

discuss the CADR Action Plan. A portion of the meeting is required by Section 383.412(3) (a), F.S. to be closed to the public to allow the Committee to discuss information that is confidential and exempt from public meetings and public records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: holly.kirsch@flhealth.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: holly.kirsch@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: holly.kirsch@flhealth.gov

**DEPARTMENT OF HEALTH**

Division of Children’s Medical Services

The State Child Abuse Death Review Committee Meeting \*May 19th Meeting\* \*Cancelled\* announces a public meeting to which all persons are invited.

DATE AND TIME: The May 19th meeting previously posted in Vol. 48/87 (5-4-2022) has been cancelled.

PLACE: Cancelled

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cancelled

A copy of the agenda may be obtained by contacting:

**DEPARTMENT OF CHILDREN AND FAMILIES**

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: May 31, 2022, 12:00 p.m.

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

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

You can also dial in using your phone.

United States (Toll Free): 1 866 899 4679

United States: +1 (571) 317-3116

Access Code: 687-621-357

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Reply Opening is to open emails containing replies in response to DCF ITB 2122 077. The Department encourages all prospective Vendors to participate in the Reply Opening. DCF ITB 2122 077 - Installation of Cure-In-Place Piping at Suncoast Regional Headquarters (Tampa) solicitation advertisement can be accessed on the Vendor Information Portal (VIP): <https://vendor.myfloridamarketplace.com/>. The Department will post notice of any changes or additional meetings within VIP.

A copy of the agenda may be obtained by contacting: Arthur Austin at [Arthur.Austin@myflfamilies.com](mailto:Arthur.Austin@myflfamilies.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: Arthur Austin at [Arthur.Austin@myflfamilies.com](mailto:Arthur.Austin@myflfamilies.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: Arthur Austin at [Arthur.Austin@myflfamilies.com](mailto:Arthur.Austin@myflfamilies.com)

**DEPARTMENT OF CHILDREN AND FAMILIES**

Mental Health Program

The Commission on Mental Health and Substance Abuse announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2022, 9:00 a.m. – 3:00 p.m. EST Subcommittee meetings will occur on the third Wednesday on a rotating basis

bi-monthly, 9:00 a.m. – 3:00 p.m.

- Business Operations/Regulatory Subcommittee 9:00 a.m. – 10:00 a.m.
- Data Analysis Subcommittee 10:30 a.m. – 11:30 a.m.
- Finance Subcommittee 12:00 p.m. – 1:00 p.m.
- Criminal Justice Subcommittee 2:00 p.m. – 3:00 p.m.

PLACE: Please see sub-committee meetings schedules below:

- Business Operations/Regulatory Subcommittee 9:00 a.m. – 10:00 a.m.

Call in (audio only) (850)666-4692 Participant ID: 969391108#

- Data Analysis Subcommittee 10:30 a.m. – 11:30 a.m.

Call in (audio only) (850)666-4692 Participant ID: 976 595 461#

- Finance Subcommittee 12:00 p.m. – 1:00 p.m.

Call in (audio only) (850)666-4692 Participant ID: 345 817 431#

- Criminal Justice Subcommittee 2:00 p.m. – 3:00 p.m.

Call in (audio only) (850)666-4692 Participant ID: 612 241 008#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is in accordance with section 394.9086, Florida Statutes, for the appointed Commission on Mental Health and Substance Abuse, comprised of individuals appointed by the Governor, President of the Senate, and Speaker of the House. Discussion topics will include the current status of Florida’s behavioral health system of care and opportunities to further examine the current methods of providing mental health and substance abuse services in the state. Specifically, the group will confer on ways to better improve the effectiveness of current practices, procedures, programs, in providing such services; identify any barriers or deficiencies in the delivery of

such services and recommend changes to existing laws, rules and policies.

A copy of the agenda may be obtained by contacting: The agenda and meeting materials will be forthcoming. For information on the Commission please visit the Commission website: <https://www.myflfamilies.com/service-programs/samh/commission/index.shtml>

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: Ronesha Jefferson at 850.717.4668 or Ronesha.Jefferson@myflfamilies.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: Jeff Cece at 850-717-4405 or Jeffrey.Cece@myFLfamilies.com

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Fish & Wildlife Foundation of Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 20, 2022, 10:00 a.m. – 11:30 a.m.

PLACE: The public may participate in the call at FWC offices located at 620 S. Meridian St. Tallahassee. Please call 850-404-6129 for admittance into the building.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance & Audit Committee of the Fish & Wildlife Foundation of Florida will be reviewing the operating budget, investment, financial reports, and staff compensation of the Foundation.

A copy of the agenda may be obtained by contacting: Mr. Will Bradford, 620 S. Meridian St, Tallahassee, FL 32399; (850) 404-6129.

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

For more information, you may contact: Mr. Will Bradford, 620 S. Meridian St, Tallahassee, FL 32399; (850) 404-6129.

**DEPARTMENT OF FINANCIAL SERVICES**

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

DATE AND TIME: Wednesday, May 11, 2022, 2:00 p.m. – 4:00 p.m. Eastern Time

PLACE: Department of Financial Services Worker’s Compensation

GENERAL SUBJECT MATTER TO BE CONSIDERED: UPDATE: The Florida PALM Executive Steering Committee meeting has been canceled.

A copy of the agenda may be obtained by contacting: NA

**DEPARTMENT OF FINANCIAL SERVICES**

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

DATE AND TIME: Thursday, May 12, 2022, 2:00 p.m. – 4:00 p.m. Eastern Time

PLACE: Department of Financial Services Worker’s Compensation

GENERAL SUBJECT MATTER TO BE CONSIDERED: UPDATE: The Florida PALM Executive Steering Committee meeting has been canceled.

A copy of the agenda may be obtained by contacting: NA

**DEPARTMENT OF FINANCIAL SERVICES**

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

DATE AND TIME: Wednesday, May 18, 2022, 2:00 p.m. – 4:00 p.m., Eastern Daylight Time

PLACE: Department of Financial Services Division of Workers’ Compensation 1579 Summit Lake Dr., Conference Room 115, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee will meet to discuss the status of the Florida PALM Project. See agenda for meeting details.

A copy of the agenda may be obtained by contacting: the Florida PALM Project website <https://myfloridacfo.com/floridapalm/oversight>.

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: Jenifer Hartsfield at (850) 410-9025 or FloridaPALM@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: or would like to submit public comment regarding the Florida PALM Executive Steering Committee, please email FloridaPALM@myfloridacfo.com.

**DEPARTMENT OF FINANCIAL SERVICES**

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

DATE AND TIME: Thursday, May 19, 2022, 2:00 p.m. – 4:00 p.m., Eastern Daylight Time

PLACE: Department of Financial Services Division of Workers' Compensation 1579 Summit Lake Dr., Conference Room 115, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee will meet to discuss the status of the Florida PALM Project. See agenda for meeting details.

A copy of the agenda may be obtained by contacting: the Florida PALM Project website <https://myfloridacfo.com/floridapalm/oversight>.

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: Jenifer Hartsfield at (850) 410-9025 or FloridaPALM@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: or would like to submit public comment regarding the Florida PALM Executive Steering Committee, please email FloridaPALM@myfloridacfo.com.

DEPARTMENT OF FINANCIAL SERVICES

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

DATE AND TIME: Wednesday, May 25, 2022, 2:00 p.m. – 4:00 p.m., Eastern Daylight Time

PLACE: Department of Transportation, 605 Suwannee Street, Tallahassee, Florida, Hayden Burns Building Auditorium.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee will meet to discuss the status of the Florida PALM Project. See agenda for meeting details.

A copy of the agenda may be obtained by contacting: the Florida PALM Project website <https://myfloridacfo.com/floridapalm/oversight>.

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: Jenifer Hartsfield at (850) 410-9025 or FloridaPALM@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: or would like to submit public comment regarding the Florida PALM Executive Steering Committee, please email FloridaPALM@myfloridacfo.com.

DEPARTMENT OF FINANCIAL SERVICES

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

DATE AND TIME: Thursday, May 26, 2022, 2:00 p.m. – 4:00 p.m., Eastern Daylight Time

PLACE: Department of Transportation, 605 Suwannee Street, Tallahassee, Florida, Hayden Burns Building Auditorium.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee will meet to discuss the status of the Florida PALM Project. See agenda for meeting details.

A copy of the agenda may be obtained by contacting: the Florida PALM Project website <https://myfloridacfo.com/floridapalm/oversight>.

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: Jenifer Hartsfield at (850) 410-9025 or FloridaPALM@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: or would like to submit public comment regarding the Florida PALM Executive Steering Committee, please email FloridaPALM@myfloridacfo.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:RULE TITLES:

- 69A-37.039 Prescribed Forms for Training and Certification
- 69A-37.090 Lisa of Supplemental Compensation Forms: Incorporation by Reference
- 69A-37.401 Definitions
- 69A-37.402 Authorizations for Certified Personnel
- 69A-37.403 Compliance with Other Applicable Laws, Rules
- 69A-37.404 Requirements for Live Fire Training for Certified Personnel
- 69A-37.405 Requirements for Live Fire Training During Recruit Training
- 69A-37.406 Certification Prerequisites for Live Fire Training Instructor Training
- 69A-37.407 Live Fire Training Instructor Training
- 69A-37.408 Live Fire Training Instructor Certification and Renewal
- 69A-37.409 Instructor Certification Revocation

The Division of State Fire Marshal announces a workshop to which all persons are invited.

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

PLACE: Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/626020717>

You can also dial in using your phone. United States (Toll Free): 1(866)899-4679, United States: (571)317-3116, Access Code: 626-020-717

Join from a video-conferencing room or system. Dial in or type: 67.217.95.2 or inroomlink.goto.com, Meeting ID: 626 020 717 or dial directly: 626020717@67.217.95.2 or 67.217.95.2##626020717

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In this workshop, the State Fire Marshal, Bureau of Fire Standards and Training (Bureau) will discuss updates to the Live Fire Training rules that appear in Rules 69A-37.401 through .405, F.A.C. The Bureau will also discuss forms and other technical changes that will be included in this amendment.

A copy of the agenda may be obtained by contacting: Robert Coyne, Training Supervisor, Bureau of Fire Standards and Training, (352)369-2837, Robert.Coyne@myfloridacfo.com.

For more information, you may contact: Robert Coyne, Training Supervisor, Bureau of Fire Standards and Training, (352)369-2837, Robert.Coyne@myfloridacfo.com.

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR – Insurance Regulation**

The Office of Insurance Regulation announces a hearing to which all persons are invited.

**DATE AND TIME:** Pursuant to Section 120.525, Florida Statutes, notice is hereby given that the First Floridian Auto and Home Insurance Company Rate Hearing is scheduled for May 17, 2022, 11:00 a.m.

**PLACE:** Access via webinar at <https://attendee.gotowebinar.com/register/510010489934474462>

Access via telephone dial: 1-877-309-2071; Access Code: 839-312-608

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** First Floridian Auto and Home Insurance Company has requested a statewide average rate change for its Homeowners Multi-Peril line of business. The below identifies the proposed rate change that has been filed with the OIR:

**FILE NUMBER:** 22-005137, File and Use

**LINE OF BUSINESS:** Homeowners Multi-Peril

**PROGRAM NAMES:** FAH Retail Preferred, FAH Retail Standard

**OVERALL PROPOSED RATE CHANGE:** 22.9%

**EFFECTIVE DATES:** May 27, 2022, for new business and July 18, 2022, for renewal business

A copy of the agenda may be obtained by visiting [www.FLOIR.com/events](http://www.FLOIR.com/events).

**PUBLIC COMMENT:** If you choose to access the hearing via telephone, or if you are unable to participate in this public hearing, please forward your comments to the Office of Insurance Regulation at [ratehearings@flair.com](mailto:ratehearings@flair.com); the subject

line of your e-mail should read “First Floridian Auto and Home Insurance Company.” The record will be open for public comment until May 31, 2022, at 5:00 p.m. ET.

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

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: [Gloria.Merritt@flair.com](mailto:Gloria.Merritt@flair.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: [Gloria.Merritt@flair.com](mailto:Gloria.Merritt@flair.com).

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR – Insurance Regulation**

The Office of Insurance Regulation announces a hearing to which all persons are invited.

**DATE AND TIME:** Pursuant to Section 120.525, Florida Statutes, notice is hereby given that the KIN Interinsurance Network Rate Hearing is scheduled for May 17, 2022, 8:30 a.m.

**PLACE:** Access via webinar at <https://attendee.gotowebinar.com/register/1945549964162418192>

Access via telephone dial: 1-877-309-2071; Access Code: 507-471-735

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Kin Interinsurance Network has requested a statewide average rate change for its Homeowners Multi-Peril line of business. The below identifies the proposed rate change that has been filed with the OIR and implemented by the Company on a use and file basis:

**FILE NUMBER:** 22-006199, Use and File

**LINE OF BUSINESS:** Homeowners Multi-Peril

**PROGRAM NAME:** Voluntary Homeowners Multi-Peril

**OVERALL PROPOSED RATE CHANGE:** 25.1%

**EFFECTIVE DATES:** April 13, 2022, for new business and renewal business

**PUBLIC COMMENT:** If you choose to access the hearing via telephone, or if you are unable to participate in this public hearing, please forward your comments to the Office of Insurance Regulation at [ratehearings@flair.com](mailto:ratehearings@flair.com); the subject line of your e-mail should read “KIN Interinsurance Network.” The record will be open for public comment until May 31, 2022, at 5:00 p.m. ET.

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

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

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: Gloria Merritt, [Gloria.Merritt@flor.com](mailto:Gloria.Merritt@flor.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: Gloria Merritt at [Gloria.Merritt@flor.com](mailto:Gloria.Merritt@flor.com).

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: Pursuant to Section 120.525, Florida Statutes, notice is hereby given that the Florida Farm Bureau General Insurance Company and Florida Farm Bureau Casualty Insurance Company Rate Hearing is scheduled for May 17, 2022, 2:30 p.m.

PLACE: Access via webinar at <https://attendee.gotowebinar.com/register/4540663487702383375>

Access via telephone dial: 1-877-309-2071; Access Code: 659-995-461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Farm Bureau General Insurance Company and Florida Farm Bureau Casualty Insurance Company have requested statewide average rate changes for its Homeowners Multi-Peril and Dwelling Fire lines of business. The below identifies the proposed rate change that has been filed with the OIR:

FILE NUMBER: 21-031404, Use and File

COMPANIES: Florida Farm Bureau General Insurance Company and Florida Farm Bureau Casualty Insurance Company

LINE OF BUSINESS: Homeowners Multi-Peril

PROGRAM NAMES: HO Preferred (Casualty), HO Standard (General)

OVERALL PROPOSED RATE CHANGE: 48.7%

EFFECTIVE DATES: July 1, 2022, for new and renewal business

FILE NUMBER: 21-019726, File and Use

COMPANY: Florida Farm Bureau General Insurance Company

LINE OF BUSINESS: Dwelling Fire

PROGRAM NAME: Dwelling Program

OVERALL PROPOSED RATE CHANGE: 31.7%

EFFECTIVE DATES: July 1, 2022, for new and renewal business

PUBLIC COMMENT: If you choose to access the hearing via telephone, or if you are unable to participate in this public hearing, please forward your comments to the Office of Insurance Regulation at [ratehearings@flor.com](mailto:ratehearings@flor.com); the subject line of your e-mail should read “Florida Farm Bureau Insurance Companies.” The record will be open for public comment until May 31, 2022, at 5:00 PM ET.

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

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: Gloria Merritt, [Gloria.Merritt@flor.com](mailto:Gloria.Merritt@flor.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: Gloria Merritt at [Gloria.Merritt@flor.com](mailto:Gloria.Merritt@flor.com).

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2022, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301. Attendance by telephone is also available by calling (850)988-5144 and entering phone conference ID: 385 351 95 #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disposition of cases pending before the Reemployment Assistance Appeals Commission, and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: the office of the Reemployment Assistance Appeals Commission at [RAAC.Inquiries@deo.myflorida.com](mailto:RAAC.Inquiries@deo.myflorida.com) or by visiting <https://www.floridajobs.org/Reemployment-Assistance-Service-Center/reemployment-assistance-appeals-commission/about-the-reemployment-assistance-appeals-commission/raac-notices>.

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: the Commission Clerk at (850)692-0180. 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: the Commission Clerk at (850)692-0180.

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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: May 16, 2022, 9:30 a.m.

PLACE: 9549 Koger Blvd., St Petersburg, FL 33702

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Items related to Area Agency on Aging 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 via 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 via email: [virginia.joseph@aaapp.org](mailto:virginia.joseph@aaapp.org)

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**MOFFITT CANCER CENTER & RESEARCH INSTITUTE**

The Florida Cancer Control & Research Advisory Council (CCRAB) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 20, 2022, 10:00 a.m.

PLACE: H. Lee Moffitt Cancer Center & Research Institute c/o Stabile Research Building Board Room, 12902 USF Magnolia Drive, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A CCRAB General Membership Meeting.

A copy of the agenda may be obtained by contacting: [Bobbie.McKee@Moffitt.org](mailto:Bobbie.McKee@Moffitt.org)

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**INWOOD CONSULTING ENGINEERS, INC.**

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

DATE AND TIME: Thursday, May 19, 2022, 5:30 p.m.

PLACE: Virtually on GoToWebinar; By phone at 415-655-0060 with passcode 823-278-671; In-Person at Central Florida Zoo & Botanical Gardens – Safari Room

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A public meeting will be held regarding project plans for the Truck and Freight Alternative Site Analysis Project Development and Environment (PD&E) Study for Seminole County. (FPID no. 447724-1)

The purpose of this project is to evaluate and recommend potential truck and freight parking site alternatives along the I-4 corridor that are viable for private and public operator use. This public meeting is part of a series of meetings occurring for this project. Previous meetings were held in Osceola, Orange, Seminole, and Volusia Counties in the spring of 2022 to introduce the project and the proposed site locations being evaluated. The purpose of this round of public meetings is to

present the preferred site alternatives for each county and receive community feedback.

Additional meetings will be held in Orange, Osceola, and Volusia Counties in June 2022. Each public meeting for this project will include the same information and presentation across all counties.

The Department is offering multiple ways for the community to participate in the meeting. All participants, regardless of which platform they choose, will receive the same information on the proposed project.

**Virtual Option:** Interested persons may join the Virtual Public Meeting (VPM) from a computer, tablet, or mobile device. A VPM is a free live presentation or webinar over the internet. For this option, advance registration is required by visiting <https://attendee.gotowebinar.com/register/1347564071637875727>. Once registered, participants will receive a confirmation email containing information about joining the meeting online. Please note, Internet Explorer cannot be used to register or attend this webinar. If joining online, please provide adequate log-in time to view the presentation in its entirety.

**Phone Option (Listen Only):** Participants may join the meeting in listen-only mode by dialing 415-655-0060 and entering the passcode 823-278-671 when prompted.

**In-Person Open House Option:** Participants may attend in person by going to Central Florida Zoo & Botanical Gardens – Safari Room, 3755 W. Seminole Blvd., Sanford, FL 32771 anytime between 5:30 p.m. and 7 p.m. to view a looping presentation and project displays, speak with project team members, and submit comments or questions. If attending in person, please remember to follow all safety and sanitation guidelines. If you are feeling unwell, please consider attending the meeting virtually or by phone.

All meeting materials, including the presentation, will be available on the project website at <https://www.cflroads.com/project/447724-1> prior to the meeting.

FDOT is sending notices to all property owners, business owners, interested persons and organizations to provide the opportunity to offer comments and express their views regarding this project and the proposed improvements.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting Jennifer Smith, FDOT District Five Title VI Coordinator, at [Jennifer.Smith2@dot.state.fl.us](mailto:Jennifer.Smith2@dot.state.fl.us).

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried on by FDOT pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated

December 14, 2016, and executed by the Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: Not applicable.

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 seven (7) days before the workshop/meeting by contacting: Mark Trebitz, P.E. at 386-943-5157 or Mark.Trebitz@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: If you have any questions or comments about the project, please contact: FDOT Project Manager Mark Trebitz, P.E. by phone at 386-943-5157, by email at Mark.Trebitz@dot.state.fl.us, or U.S. mail at Florida Department of Transportation, 719 S. Woodland Boulevard, DeLand, FL 32720.

Information about this project is also available online at [www.cflroads.com](http://www.cflroads.com). Simply type 447724-1 in the search box, click "go" and then select the project. We encourage you to participate in the Truck and Freight Alternative Site Analysis PD&E Study public meeting.

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#### THE CORRADINO GROUP, INC.

The Florida Department of Transportation (FDOT) District Four announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Wednesday, May 25, 2022 is the Virtual Public Meeting from 5:00 p.m. – 6:00 p.m.

Thursday, May 26, 2022 is the Drive-through Construction Open House from 5:00 p.m. – 7:00 p.m.

The Virtual Public Meeting is scheduled for Wednesday, May 25, 2022, from 5:00 p.m. – 6:00 p.m. Please use the following link to register: <https://bit.ly/GATLINRAMPS>, or dial (562) 247-8422, Access Code: 935-855-209. A brief presentation followed by questions and comments will be held from 5:00 p.m. to 5:30 p.m., and again from 5:30 p.m. to 6:00 p.m. Please note, questions and comments may be submitted via the online chat for the project team to address directly.

The Drive-through Construction Open House is scheduled for Thursday, May 26, 2022, from 5:00 p.m. – 7:00 p.m. at the St. Lucie County Tax Collector's Office located at 10264 SW Village Parkway, Port St. Lucie, FL 34987. Follow directional signs through the parking lot to the drive-up tent. This meeting will have an informal open house format, with project representatives available to answer questions and address comments at any time during the meeting. Attached is a copy of the Project Information Flyer.

**PLACE:** St. Lucie County Tax Collector's Office  
10264 SW Village Parkway

Port St. Lucie, FL 39487

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Financial Management No.: 439761-1-52-01

**Project Description:** State Road (SR) 9/I-95 Northbound and Southbound Off-Ramps at Gatlin Boulevard Roadway Improvements Project in St. Lucie County, FL

Project improvements include widening southbound I-95 to provide a 12-foot auxiliary lane and a 12-foot shoulder (10-feet paved); widening the I-95 southbound Gatlin Boulevard off-ramp for the addition of a right-turn lane and a left-turn lane; widening the inside of the I-95 northbound Gatlin Boulevard off-ramp to provide three (3) left-turn lanes; widening eastbound and westbound Gatlin Boulevard to provide three 15-foot left-turn lanes; modifying drainage to an open system with dry ponds; installing one cantilever sign structure at the southbound I-95 off-ramp; and adding new signing and pavement markings. Construction will occur in phases to minimize impacts to the public. Work may occur Monday through Sunday. Work will occur in one direction at a time on the eastbound and westbound approach of Gatlin Boulevard. Gatlin Boulevard lane closures are permitted as follows: single-lane closures are allowed at any time and double-lane closures, Sunday through Thursday night, 9:00 p.m. to 6:00 a.m. I-95 southbound single and double-lane closures allowed Sunday through Thursday night, from 9:00 p.m. to 6:00 a.m. Pedestrian access will be maintained; should sidewalk closures be required, detours will be clearly marked.

Construction will begin June 9, 2022 and is estimated to be completed in fall 2023. The estimated construction cost is \$4,627,785.77.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require translation services (free of charge) should contact Mr. Aaron Watt, P.E., FDOT Project Manager, at (772) 429-4938 or by email at [aaron.watt@dot.state.fl.us](mailto:aaron.watt@dot.state.fl.us).

A copy of the agenda may be obtained by contacting:

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Aaron Watt, FDOT Project Manager, at (772) 429-4938 or by email at [aaron.watt@dot.state.fl.us](mailto:aaron.watt@dot.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Samantha Kayser, Community Outreach Specialist, at (772) 579-5479 or by email at [skayser@corradino.com](mailto:skayser@corradino.com).

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**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**

FISH AND WILDLIFE CONSERVATION COMMISSION  
FRUIT FARM CREEK TIDAL IMPROVEMENT (PHASE 2)  
BID NO: FWC 21/22-86C  
TITLE: FRUIT FARM CREEK TIDAL IMPROVEMENT  
(PHASE 2)

The Florida Fish and Wildlife Conservation Commission is seeking competitive pricing for the restoration of the tidal flow in conveyance through mangrove wetlands at Fruit Farm Creek,

Rookery Bay National Estuarine Research Reserve (NERR), by excavation, offsite disposal, and all associated work, IN COLLIER COUNTY, in accordance with the contract documents and Chapter 255 of the Florida Statutes.

To review the bid details:

- Visit <https://vendor.myfloridamarketplace.com/>
- Select Search Advertisements.
- Enter FWC 21/22-86C into the Agency Advertisement Number box.
- Click the Search button.
- Select the solicitation to view the advertisement details.
- Download files made available in the advertisement details page.

NOTE: The MyFloridaMarketPlace Vendor Information Portal (link provided above) is the posting location for all new and changing information regarding this solicitation. Interested bidders should continue to monitor this site for the entirety of the solicitation process.

Direct all questions to the Procurement Manager:

Alyssa DeLong

Florida Fish & Wildlife Conservation Commission

1875 Orange Avenue East, Tallahassee, FL 32311-6160

[Alyssa.DeLong@myfwc.com](mailto:Alyssa.DeLong@myfwc.com)

Phone: (850)717-8720

**CITY OF FT. LAUDERDALE**

**NOTICE OF RECEIPT OF UNSOLICITED PROPOSAL AND INVITATION TO SUBMIT PROPOSALS TO DEVELOP, CONSTRUCT, OPERATE, AND MAINTAIN A FULL-SERVICE MOVIE STUDIO COMPLEX ON CITY-OWNED PROPERTY LOCATED AT 1400 NW**

PLEASE TAKE NOTICE that the City of Fort Lauderdale, Florida, has received an unsolicited proposal from a private entity pursuant to Section 255.065, Florida Statutes, to develop, construct, operate, and maintain a full-service movie studio complex on city-owned property located at 1400 NE 31st Avenue, Fort Lauderdale, Florida. The City of Fort Lauderdale will accept other proposals for the same project on or before the twenty-first day after Tuesday, May 10, 2022. Other proposals for the same project must be received in writing in the City of Fort Lauderdale City Manager's Office, 100 North Andrews Avenue, Fort Lauderdale, Florida, 33301, before 5:00 p.m. local time on Tuesday, May 31, 2022.

David R. Soloman, City Clerk

Publish:

Florida Administrative Register: May 10, 2022, and May 17, 2022

South Florida Sun Sentinel: May 10, 2022, and May 17, 2022

CITY OF FT. LAUDERDALE  
 NOTICE OF RECEIPT OF UNSOLICITED PROPOSAL  
 AND INVITATION TO SUBMIT PROPOSALS TO  
 DEVELOP, OPERATE, AND MAINTAIN A PICKLEBALL  
 FACILITY ON THE SOUTHWEST PORTION OF SNYDER  
 PARK LOACTED AT 3299 SW 4TH AVEN

PLEASE TAKE NOTICE that the City of Fort Lauderdale, Florida, has received an unsolicited proposal from a private entity pursuant to Section 255.065, Florida Statutes, to develop, operate, and maintain a pickleball facility on the southwest portion of Snyder Park located at 3299 SW 4th Avenue, Fort Lauderdale, Florida, 33315. The City of Fort Lauderdale will accept other proposals for the same project on or before the twenty-first day after Tuesday, May 10, 2022. Other proposals for the same project must be received in writing in the City of Fort Lauderdale City Manager’s Office, 100 North Andrews Avenue, Fort Lauderdale, Florida, 33301, before 5:00 p.m. local time on Tuesday, May 31, 2022.

David R. Soloman, City Clerk

Publish:

Florida Administrative Register: May 10, 2022, and May 17, 2022

South Florida SunSentinel: May 10, 2022, and May 17, 2022

**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., Tuesday, May 3, 2022 and 3:00 p.m., Tuesday, May 10, 2022.

Rule No.	File Date	Effective Date
12-24.001	5/3/2022	5/23/2022
12-24.003	5/3/2022	5/23/2022
12-29.001	5/3/2022	5/23/2022
12-29.002	5/3/2022	5/23/2022
12-29.003	5/3/2022	5/23/2022
12-29.004	5/3/2022	5/23/2022
12-29.005	5/3/2022	5/23/2022
12-13.007	5/3/2022	5/23/2022
12-13.0075	5/3/2022	5/23/2022

12A-16.002	5/3/2022	5/23/2022
12A-16.004	5/3/2022	5/23/2022
12A-16.005	5/3/2022	5/23/2022
12A-16.006	5/3/2022	5/23/2022
12A-16.008	5/3/2022	5/23/2022
12A-19.100	5/3/2022	5/23/2022
12AER22-2	5/9/2022	5/9/2022
12AER22-3	5/9/2022	5/9/2022
12AER22-4	5/9/2022	5/9/2022
12AER22-5	5/9/2022	5/9/2022
12AER22-6	5/9/2022	5/9/2022
12AER22-7	5/9/2022	5/9/2022
12B-4.052	5/3/2022	5/23/2022
12B-5.150	5/3/2022	5/23/2022
12B-5.600	5/3/2022	5/23/2022
12B-7.008	5/3/2022	5/23/2022
12B-8.003	5/3/2022	5/23/2022
12C-1.051	5/3/2022	5/23/2022
53ER22-22	5/5/2022	5/25/2022
61G15-22.002	5/6/2022	5/26/2022
64B4-2.0025	5/5/2022	5/25/2022
69K-5.0024	5/9/2022	5/29/2022
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	12/8/2021	**/**/****
60P2.002	11/5/2019	**/**/****

60P-2.003	11/5/2019	**/**/****
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	**/**/****

Resulting Institution: First Florida Credit Union, Jacksonville, Florida  
 With Title: First Florida Credit Union  
 Received: May 9, 2022  
 Distribution: (Publication Not Required)  
 Federal Deposit Insurance Corporation, Atlanta, GA  
 Federal Reserve Bank of Atlanta, Atlanta, GA  
 Comptroller of the Currency, Atlanta, GA  
 John H. DeLoach, Attorney

**Section XIII**  
**Index to Rules Filed During Preceding Week**

INDEX TO RULES FILED BETWEEN  
 MAY 2, 2022 AND MAY 6, 2022

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**  
 5JER22-1    5/6/2022    5/6/2022    48/90

**Division of Food Safety**  
 5K-10.006    5/2/2022    5/22/2022    48/21

**DEPARTMENT OF REVENUE**

12-13.007	5/3/2022	5/23/2022	48/63
12-13.0075	5/3/2022	5/23/2022	48/63
12-24.001	5/3/2022	5/23/2022	48/63
12-24.003	5/3/2022	5/23/2022	48/63
12-29.001	5/3/2022	5/23/2022	48/63
12-29.002	5/3/2022	5/23/2022	48/63
12-29.003	5/3/2022	5/23/2022	48/63
12-29.004	5/3/2022	5/23/2022	48/63
12-29.005	5/3/2022	5/23/2022	48/63

**Sales and Use Tax**

12A-16.002	5/3/2022	5/23/2022	48/63
12A-16.004	5/3/2022	5/23/2022	48/63
12A-16.005	5/3/2022	5/23/2022	48/63
12A-16.006	5/3/2022	5/23/2022	48/63
12A-16.008	5/3/2022	5/23/2022	48/63
12A-19.100	5/3/2022	5/23/2022	48/63

**Miscellaneous Tax**

12B-4.052	5/3/2022	5/23/2022	48/63
12B-5.150	5/3/2022	5/23/2022	48/63

**DEPARTMENT OF FINANCIAL SERVICES**

FSC - Financial Institution Regulation

Division of Financial Institutions

NOTICE OF FILINGS

Financial Services Commission

Office of Financial Regulation

May 10, 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 504, 101 East Gaines Street, Tallahassee, Florida 32399-0379, Phone: (850) 410-9889, or by Email: [agency.clerk@flofr.gov](mailto:agency.clerk@flofr.gov).

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., May 31, 2022):

**APPLICATION TO MERGE**

Constituent Institutions: First Florida Credit Union, Jacksonville, Florida and Jacksonville Postal & Professional Credit Union, Jacksonville, Florida

12B-5.600 5/3/2022 5/23/2022 48/63  
 12B-7.008 5/3/2022 5/23/2022 48/63  
 12B-8.003 5/3/2022 5/23/2022 48/63

**Corporate, Estate and Intangible Tax**

12C-1.051 5/3/2022 5/23/2022 48/63

**LAND AND WATER ADJUDICATORY COMMISSION  
 Six Mile Creek Community Development District**

42GGG-1.002 5/3/2022 5/23/2022 48/63

**Tomoka Community Development District**

42LL-1.002 5/3/2022 5/23/2022 48/63

**Fiddler's Creek Community Development District**

42X-1.002 5/3/2022 5/23/2022 48/63

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