

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-404.108
RULE TITLE: Discipline and Confinement of Mentally Disordered Inmates

PURPOSE AND EFFECT: Rule amendment is necessary to amend the existing rule to allow outpatient mental health assessments to be conducted by any fully licensed mental health clinician.

SUBJECT AREA TO BE ADDRESSED: Discipline of Inmates Diagnosed as Mentally Ill

RULEMAKING AUTHORITY: 944.09, 945.49, F.S

LAW IMPLEMENTED: 944.09, 945.49, F.S.

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

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: Lauren Sanchez, Paralegal Specialist, 501 South Calhoun Street, Tallahassee, Florida, 32399, Lauren.Sanchez@fdc.myflorida.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Office of the General Counsel, Attn: FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com. A copy of the preliminary draft may also be obtained using the following link: <http://www.dc.state.fl.us/legal/ch33/notices/index.html>

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

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.: 64I-7.001, 64I-7.002, 64I-7.003
RULE TITLES: Definitions, Eligibility, Terms and Services

PURPOSE AND EFFECT: The purpose of this rulemaking is to establish criteria for clients, dentists, and providers to participate in a voluntary dental services program.

SUBJECT AREA TO BE ADDRESSED: Free dental services for Florida residents.

RULEMAKING AUTHORITY: 381.40195(5), F.S.

LAW IMPLEMENTED: 381.40195, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Catherine Bridges, 4052 Bald Cypress Way, Bin A-14, Tallahassee, Florida 32399 or Catherine.Bridges@FLHealth.gov.

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

**Section II
Proposed Rules**

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.041
RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: The purpose of this rulemaking is to establish minimum flows for Horse Creek, in Hardee and DeSoto Counties, and Charlie Creek, in Polk and Hardee Counties. The effect of the rule is to support the District’s water supply planning, water use permitting, and environmental resource permitting programs.

SUMMARY: Section 373.042, F.S., requires the District to establish minimum flows and levels for water bodies located within the District’s boundaries. This rulemaking is necessary to establish minimum flows for Horse Creek and Charlie Creek.

The establishment and periodic evaluation of minimum flows is required by statute to ensure that the minimum hydrologic requirements of the water resources and ecology of the river and surrounding area are maintained. These minimum flows are being developed using previously peer-reviewed, Governing Board adopted methods.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District conducted an economic review of the revisions to the rule and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. The proposed minimum flows are unlikely to constitute an additional significant regulatory constraint on groundwater or surface water withdrawals in the area due to existing resource conditions and regulatory constraints in the area.

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: 373.044, 373.113, 373.171, F.S.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristina Deak, Ph.D., Senior Environmental Scientist, at (813)328-3544, or kristina.deak@swfwmd.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (25) No change.

(26) Minimum Flows for Horse Creek

(a) For purposes of this rule, Horse Creek in Hardee County, FL and Desoto County, FL includes the watercourse from the headwaters to the confluence with the Peace River and tributaries to the watercourse.

(b) Minimum Flows for Horse Creek are based on the daily average flow at the United States Geological Survey (USGS) Horse Creek at SR 72 near Arcadia, FL Gage No. 02297310, adjusted for withdrawals, for the period of record from May 1, 1950, through December 31, 2021, as set forth in Table 8-30.

<u>Table 8-30 Minimum Flow for Horse Creek Based on the Flows from the USGS Horse Creek at SR 72 near Arcadia, FL Gage No. 02297310 Adjusted for Water Withdrawals</u>	
<u>If Adjusted Flow in cubic feet per second (cfs) on the previous Day is:</u>	<u>Minimum Flow is:</u>
<u>≤ 15 cfs</u>	<u>Flow on the previous day</u>
<u>> 15 cfs and ≤ 78 cfs</u>	<u>15 cfs or 88% of flow on the previous day, whichever is greater</u>
<u>> 78 cfs and ≤ 172 cfs</u>	<u>69 cfs or 86% of flow on the previous day, whichever is greater</u>
<u>> 172 cfs and ≤ 644 cfs</u>	<u>88% of flow on the previous day</u>
<u>> 644 cfs</u>	<u>92% of flow on the previous day</u>

(c) Status assessments of the Minimum Flows for Horse Creek will be completed to determine whether the flow is below or projected to fall below the Minimum Flows. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection. As part of each status assessment, the District will use the following approach:

1. The District will evaluate the Minimum Flow annually to determine the extent to which the flow of Horse Creek has been reduced due to withdrawals as of the date of each status assessment at Gage No. 02297310. The annual evaluation will be completed through a review of:

- a. Flow data;
- b. Water withdrawals;
- c. Aquifer water levels;
- d. Rainfall data; and
- e. Hydrologic modeling.

2. The District will also evaluate the Minimum Flows every five years as part of the regional water supply planning process. This evaluation will include the use of hydrologic modeling.

3. If the Minimum Flows are being met based on the annual evaluation or the evaluation performed as a part of the regional water supply planning process, then no further actions are required beyond continued monitoring.

(27) Minimum Flows for Charlie Creek

(a) For purposes of this rule, Charlie Creek in Polk County, FL and Hardee County, FL includes the watercourse from the headwaters to the confluence with the Peace River and tributaries to the watercourse.

(b) Minimum Flows for Charlie Creek are based on the daily average flow at the United States Geological Survey (USGS) Charlie Creek near Gardner, FL Gage No. 02296500, adjusted for withdrawals, for the period of record from May 1, 1950, through December 31, 2021, as set forth in Table 8-31.

<u>Table 8-31 Minimum Flow for Charlie Creek Based on the Flows from the USGS Charlie Creek near Gardner, FL Gage No. 02296500 Adjusted for Upstream Withdrawals</u>	
<u>If Adjusted Flow in cubic feet per second (cfs) on the previous Day is:</u>	<u>Minimum Flow is:</u>
<u>≤ 27 cfs</u>	<u>Flow on the previous day</u>
<u>> 27 cfs and ≤ 120 cfs</u>	<u>27 cfs or 86% of flow on the previous day, whichever is greater</u>
<u>> 120 cfs and ≤ 316 cfs</u>	<u>88% of flow on the previous day</u>
<u>> 316 cfs and ≤ 945 cfs</u>	<u>91% of flow on the previous day</u>
<u>> 945 cfs</u>	<u>93% of flow on the previous day</u>

(c) Status assessments of the Minimum Flows for Charlie Creek will be completed to determine whether the flow is below or projected to fall below the Minimum Flows. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection. As part of each status assessment, the District will use the following approach:

1. The District will evaluate the Minimum Flow annually to determine the extent to which the flow of Charlie Creek has been reduced due to withdrawals as of the date of each status assessment at Gage No. 02296500. The annual evaluation will be completed through a review of:

- a. Flow data;
- b. Water withdrawals;
- c. Aquifer water levels;
- d. Rainfall data; and
- e. Hydrologic modeling.

2. The District will also evaluate the Minimum Flows every five years as part of the regional water supply planning process. This evaluation will include the use of hydrologic modeling.

3. If the Minimum Flows are being met based on the annual evaluation or the evaluation performed as a part of the regional

water supply planning process, then no further actions are required beyond continued monitoring.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421 FS. History—New 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10, 7-12-10, 8-2-10 (8), 8-2-10 (15), 10-16-12, 3-20-13(16), 3-20-13(17), 6-20-16, 3-15-18, 6-19-18, 4-15-20, 8-9-20, 4-12-21, 4-7-22, 3-27-24, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 25, 2024

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-18.011 Definitions

PURPOSE AND EFFECT: The Board proposed the rule amendment to update the Florida Fire Prevention Code and Florida Building Code to the newest Editions, which took effect December 31, 2023. The amendments also include the newest iteration of the sunset language.

SUMMARY: The proposed rule amendment updates the rule language for definitions to include the newest iteration of the sunset language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

RULEMAKING AUTHORITY: 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2400 Mahan Drive, Tallahassee, FL 32308; (850)521-0500 or by electronic mail, ZRaybon@fbpe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) through (5) No Change.

(6) The term “Florida Building Code” shall mean the Florida Building Code, 8~~th~~^{7th} Edition, (~~2023~~~~2020~~), adopted by the Florida Building Commission through Rule 61G20-1.001, F.A.C., effective 12-31-~~23~~~~20~~, which rule is incorporated herein by reference and which may be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-13200>.

(7) The term “Florida Fire Prevention Code” shall mean the ~~Fire Code, Florida 2021~~~~Florida Fire Prevention Code, 7th~~ Edition, (~~2023~~~~2020~~), adopted by the Division of State Fire Marshal through rule Chapter 69A-60, F.A.C. The Florida Fire Prevention Code, effective 12-31-~~23~~~~20~~, which rule chapter is incorporated herein by reference and which may be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-13201>.

(8) ~~This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date. No later than December 31, 2024, the Board shall review and consider amendment, modifications, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative,~~

~~outdated, obsolete, overly burdensome, or imposes excessive costs.~~

Rulemaking Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History—New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08, 6-2-09, 2-2-12, 6-12-16, 2-22-17, 3-4-18, 5-27-20, 6-29-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 29, 2024

Section III
Notice of Changes, Corrections and
Withdrawals

NONE

Section IV
Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: 5CER24-4 RULE TITLE: Temporary Restrictions on the Importation of Dairy Cattle

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On March 25, 2024, federal and state veterinary and public health agencies announced the detection of Highly Pathogenic Avian Influenza in dairy cattle herds in Texas and Kansas. Subsequently, dairy herds in Idaho, Michigan, New Mexico, North Carolina, Ohio, and South Dakota have been confirmed to have the virus. These herds all exhibited a similar clinical syndrome (Bovine Associated Influenza A Syndrome (H5N1)), which has been classified as an emerging disease. Bovine Associated Influenza A Syndrome (H5N1) is a highly contagious disease affecting the health and milk production of dairy cattle. Information regarding Bovine Associated Influenza A Syndrome is rapidly evolving, and stringent biosecurity practices are necessary to limit its spread and impacts.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This rule is fair and justified because it takes only the actions necessary to protect public health, safety, and welfare by preventing the introduction and spread of this dangerous and transmissible disease and its vectors.

SUMMARY: This rule places restrictions upon the importation of cattle to ensure they have not been exposed to a known or suspected case of Bovine Associated Influenza A Syndrome and show no clinical signs of the disease. The requirements in this rule are in addition to the import requirements set forth in Rule Chapter 5C-3, Florida Administrative Code.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Michael A. Short, State Veterinarian, Director, Division of Animal Industry, Department of Agriculture and Consumer Services, 407 S. Calhoun St., Rm. 330, Mayo Bldg., Tallahassee, FL 32399-0800; (850)410-0900.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5CER24-4 Temporary Restrictions on the Importation of Dairy Cattle.

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

(a) “Bovine Associated Influenza A Syndrome” means the viral infection in cattle caused by the Highly Pathogenic Strain of Avian Influenza H5N1, resulting in clinical signs including decreased milk production; reduced appetite; thickened, discolored milk; lethargy; fever; and/or dehydration.

(b) “Exposed cattle” means any cattle that have been on a premises where animals have displayed clinical signs consistent with or have tested positive for Bovine Associated Influenza A Syndrome.

(c) “Infected cattle” means any cattle testing positive for the H5N1 Influenza virus.

(d) “Suspected case” means a cow exhibiting clinical signs of Bovine Associated Influenza A Syndrome.

(2) No cattle exposed to or infected with Bovine Associated Influenza A Syndrome may be imported into Florida.

(3) No lactating dairy cattle originating from a state that has a suspected or confirmed case of Bovine Associated Influenza A Syndrome may be imported into Florida.

(4) Official Certificate of Veterinary Inspection (OCVI). Notwithstanding rule 5C-3.002(1)(c), F.A.C., non-lactating dairy cattle that do not meet the definitions in (1)(b) or (c) of this rule, but that originate from a state with a suspected or confirmed case of Bovine Associated Influenza A Syndrome, must be accompanied by a lawful OCVI that was completed no more than 10 days prior to importation into Florida.

Rulemaking Authority 570.07(21), (23), 585.002(4), 585.08(2)(a), 585.145(2) FS. Law Implemented 585.08(1), 585.145 FS. History—New 4-12-24.

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: 4/12/24

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice: that on April 12, 2024, the Southwest Florida Water Management District has issued an order granting a variance.

Petitioner’s Name: Tallywood Condominium Association, Inc.
File Tracking No. 24-4390

Date Petition Filed: March 1, 2024

Rule No.: Fla. Admin. Code R. 40D-22.201

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

Date Petition Published in the Florida Administrative Register:
March 5, 2024.

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

A copy of the Order or additional information may be obtained by contacting: Lynn Biddlecomb, 7601 US Highway 301, Tampa, Florida 33637, 1(813)985-7481, water.variances@watermatters.org. (M2024006)

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on April 12, 2024, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Christ Fellowship Church located in

Palm Beach Gardens. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On April 4, 2024 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from EJP North LLC located in Orlando. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers and employees.

The Petition for this variance was published in Vol. 50/68 on April 5, 2024. The Order for this Petition was signed and approved on April 12, 2024. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Dipasqua Subway #7297 (dba: Subway #7297, SEA5806077), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Smile Ice Cream Company (EJP North LLC) and/or Subway #7297 (Dipasqua Subway #7297) changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On April 1, 2024 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Almax Food LLC located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol 50/65 on April 2, 2024. The Order for this Petition was signed and approved on April 12, 2024. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF CHILDREN AND FAMILIES
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-46.011 Personnel and Staffing Requirements

NOTICE IS HEREBY GIVEN that on April 10, 2024, the Department of Children and Families, received a petition for waiver of subparagraph 65C-46.011(8)(a)1., Florida Administrative Code, from Shannon Perryman. Subparagraph 65C-46.011(8)(a)1. requires executive directors hired after July 1, 1987 to have a bachelor’s degree from an accredited college or university and at least three (3) years of experience in management or supervision.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.clerk@myflfamilies.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

69J-7.001 The My Safe Florida Home Program

NOTICE IS HEREBY GIVEN that on April 04, 2024, the Department of Financial Services, received a petition for Waiver from Walid Alsheikh. Walid Alsheikh is requesting that the Department of Financial Services grant a Waiver from subsection 69J-7.001(5) of the Florida Administrative Code regarding the “Improvement 4 – Opening Protection (Windows)” requirements that are located on pages 12 and 13 of form DFS-O1-001, Homeowner’s Guide.

Comments on this Petition should be filed with the DFS Agency Clerk via mail at 200 East Gaines Street, 612 Larson Building, Tallahassee, Florida 32399-0333; via fax at (850)488-0697; or via email at DFSAgencyClerk@myfloridacfo.com within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the DFS Agency Clerk at any of the contacts above or by telephone at (850)413-4279.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

69J-7.001 The My Safe Florida Home Program

NOTICE IS HEREBY GIVEN that on April 10, 2024, the Department of Financial Services, received a petition for Waiver from Frank Brueggeman. Frank Brueggeman is requesting that the Department of Financial Services grant a Waiver from subsection 69J-7.001(5) of the Florida Administrative Code regarding the “Improvement 4 – Opening Protection (Windows)” requirements that are located on pages 12 and 13 of form DFS-O1-001, Homeowner’s Guide.

Comments on this Petition should be filed with the DFS Agency Clerk via mail at 200 East Gaines Street, 612 Larson Building,

Tallahassee, Florida 32399-0333; via fax at (850)488-0697; or via email at DFSAgencyClerk@myfloridacfo.com within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the DFS Agency Clerk at any of the contacts above or by telephone at (850)413-4279.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Division of Historical Resources announces a public meeting to which all persons are invited.

DATE AND TIME: April 24, 2024, 9:00 a.m. - 1:00 p.m.

PLACE: Via Webinar

Register and Join Meeting:
<https://attendee.gotowebinar.com/register/5759908648518356822>

Webinar ID: 511-455-203

R.A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Historic Cemeteries Program Advisory Council.

A copy of the agenda may be obtained by contacting: Patrisha Meyers-Gidusko with the Division of Historical Resources at Patrisha.Meyers@dos.myflorida.com or (850)245-6361 or (850)245-6333.

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: Patrisha Meyers-Gidusko with the Division of Historical Resources at Patrisha.Meyers@dos.myflorida.com or (850)245-6361 or (850)245-6333. 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: Patrisha Meyers-Gidusko with the Division of Historical Resources at Patrisha.Meyers@dos.myflorida.com or (850)245-6361 or (850)245-6333.

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 15, 2024, 10:00 a.m.

PLACE: There will be no in person Commission meeting. The meeting will be held via conference call. To participate in the

meeting, call United States (Toll Free): 1(877)309-2073 and dial access code 337-350-165. For questions and correspondence from inmate supporters, please email inmatessupporter@fcor.state.fl.us. For questions and correspondence regarding victims' rights, please email victimquestions@fcor.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Conditional Medical Release cases and all other Commission business.

A copy of the agenda may be obtained by contacting: The Florida Commission on Offender Review (850)488-1293.

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 Florida Commission on Offender Review at ada@fcor.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).

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 BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: May 8, 2024, 8:30 a.m. or soon thereafter

PLACE: via video and/or telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Although this meeting is open to the public, the Probable Cause Panel meeting may be closed consistent with law. If you wish to participate in any public portion of the Probable Cause Panel Meeting, please contact Rebecca Sammons at least 10 days prior to the meeting.

<https://us02web.zoom.us/j/84423943655>

Meeting ID: 844 2394 3655

A copy of the agenda may be obtained by contacting: Rebecca Sammons

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers announces a public meeting to which all persons are invited.

DATE AND TIME: May 8, 2024, 1:00 p.m. or soon thereafter

PLACE: via video and/or telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED:

general business of the board including to review and approve or deny applications for licensure and any old or new business of the Board. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500 ext. 114 at least 10 days prior to the date of the meeting.

<https://us02web.zoom.us/j/81548192384>

Meeting ID: 815 4819 2384

Passcode: 422968894

A copy of the agenda may be obtained by contacting: Rebecca Sammons

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers announces a public meeting to which all persons are invited.

DATE AND TIME: May 15, 2024, 10:00 a.m. or soon thereafter

PLACE: via video and/or telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED:

general business of the board including to review and approve or deny applications for licensure and any old or new business

of the Board. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500 ext. 114 at least 10 days prior to the date of the meeting.

<https://us02web.zoom.us/j/87837712159>

Meeting ID: 878 3771 2159

A copy of the agenda may be obtained by contacting: Rebecca Sammons

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 hours before the workshop/meeting by contacting: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org

DEPARTMENT OF HEALTH

The Correctional Medical Authority (CMA) announces a public meeting to which all persons are invited.

DATE AND TIME: April 26, 2024, 9:00 a.m.

PLACE: 4052 Bald Cypress Way - DOH, Conference Room 301

(888)585-9008 (toll-free), Conference Room: 344085830#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
CMA Quarterly Board Meeting

A copy of the agenda may be obtained by contacting: CMA@flhealth.gov, or (850)841-8430

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: Department of Health at (850)245-4444. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – South Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 10, 2024, 2:30 p.m., EST, or soon thereafter.

PLACE: You may join the meeting from your computer, tablet, or smartphone through the following link:

<https://global.gotomeeting.com/join/620057165>. You may also join the meeting using your phone at the following number:

(872)240-3311, access code: 620-057-165. To maximize your access to the meeting, the Department highly recommends that you download the GoToMeeting app on your computer, tablet, or smartphone prior to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The panel will conduct a meeting related to public disciplinary cases.

A copy of the agenda may be obtained by contacting: Sheila Autrey at (850)558-9813 or emailing her at sheila.autrey@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: Sheila Autrey at (850)558-9813 or emailing her at sheila.autrey@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).

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: Sheila Autrey at (850)558-9813 or emailing her at sheila.autrey@flhealth.gov.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2024, 8:15 a.m.

PLACE: 720 N. Denning Dr, Winter Park FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Executive Committee Meeting

A copy of the agenda may be obtained by contacting: Maria Diaz (407)961-5541

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: Maria Diaz (407)961-5541. 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).

**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

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2024, 8:15 a.m.

PLACE: 720 N. Denning Dr, Winter Park FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Meeting

A copy of the agenda may be obtained by contacting: Maria Diaz (407)961-5541

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: Maria Diaz (407)961-5541. 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).

FISH AND WILDLIFE CONSERVATION COMMISSION

Triple N Ranch Paving Project

BID NO: FWC 23/24-108C

TITLE: Triple N Ranch Paving Project

The Florida Fish and Wildlife Conservation Commission is seeking competitive pricing for providing all materials, equipment, labor, supervision, and transportation to pave the parking lot and sporting clays course per plans and specifications, 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 23/24-108C 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: Dale Eastmond, Florida Fish & Wildlife Conservation Commission, 1875 ORANGE AVENUE EAST, Tallahassee, FL 32311-6160, Dale.Eastmond@myfwc.com, (850)617-9602.

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., Monday, April 8, 2024, and 3:00 p.m., Friday, April 12, 2024.

Rule No.	File Date	Effective Date
5CER24-4	4/12/2024	4/12/2024
6A-1.044	4/10/2024	4/30/2024
6A-1.09441	4/10/2024	4/30/2024
6A-5.0411	4/10/2024	4/30/2024
6A-6.0212	4/10/2024	4/30/2024

6A-6.0571	4/10/2024	4/30/2024
6A-10.0401	4/10/2024	4/30/2024
6A-14.072	4/10/2024	4/30/2024
6A-14.0810	4/10/2024	4/30/2024
6M-8.204	4/10/2024	4/30/2024
6M-8.615	4/10/2024	4/30/2024
61G20-2.005	4/9/2024	4/29/2024
65A-4.209	4/9/2024	4/29/2024
69B-220.051	4/9/2024	4/29/2024

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40B-400.091	2/8/2024	**/**/****
40C-4.091	3/31/2023	**/**/****
40C-41.043	3/31/2023	**/**/****
40E-4.091	6/26/2023	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-330.010	4/28/2023	**/**/****
62-330.050	4/28/2023	**/**/****
62-330.055	4/28/2023	**/**/****
62-330.301	4/28/2023	**/**/****
62-330.310	4/28/2023	**/**/****
62-330.311	4/28/2023	**/**/****
62-330.350	4/28/2023	**/**/****
62-330.405	4/28/2023	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

DEPARTMENT OF FINANCIAL SERVICES
 Division of Treasury
 Notice of Qualified Public Depository Withdrawal
 DEPARTMENT OF FINANCIAL SERVICES
 DIVISION OF TREASURY
 BUREAU OF COLLATERAL MANAGEMENT
 PUBLIC DEPOSITS SECTION

 THE QUALIFIED PUBLIC DEPOSITORY LISTED BELOW HAS DECIDED TO WITHDRAW FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM. THEY SHOULD NOT RECEIVE OR RETAIN FLORIDA PUBLIC DEPOSITS AS OF THE DATE SHOWN. THIS INSTITUTION MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

 MIDWESTONE BANK (IOWA CITY)
 EFFECTIVE DATE OF WITHDRAWAL- 4/11/2024

DEPARTMENT OF COMMERCE
 Division of Workforce Services
 Notice of Funding Availability: Florida Non-Custodial Parent Employment Program (NCPEP) Administrator
 Florida Non-Custodial Parent Employment Program
 The Florida Department of Commerce (“FloridaCommerce”) announces the availability of funding for a qualified entity to serve as the Administrator of the Non-Custodial Parent Employment Program (NCPEP). Qualified entities include governmental, quasi-governmental, and nonprofit organizations with a demonstrated history of providing services to assist non-custodial parents and that demonstrate the capability of administering the program statewide. The entity must be able to provide grantees with training, best practices, and assistance to implement the grant program successfully. Approximately \$500,000 will be available in FY 2024-2025 for the selected NCPEP Administrator. The Application Guidelines will be available on FloridaCommerce’s website at www.FloridaJobs.org/NCPEP before the application cycle opens. The application process is conducted in accordance with line item #2306 of House Bill 5001.
 The FY 2024-2025 application cycle for the NCPEP Administrator will open on April 12, 2024, and close on April 29, 2024. Applications must be submitted via the electronic Florida NCPEP Administrator Application and must be received by April 29, 2024. Applications must be complete to be considered for eligibility.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this application process is asked to advise the agency at: Non-Custodial Parent Employment Program, (850)921-3381 or NCPEP@commerce.fl.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If you have questions, please visit FloridaJobs.com/NCPEP or email NCPEP@commerce.fl.gov.

Section XIII

Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
