

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: RULE TITLES:
6E-2.004 Standards and Procedures for Licensure
6E-2.0041 Delivery of Programs Through
 Nontraditional Assessments, Modes and
 Methods

PURPOSE AND EFFECT: To revise the Rule for Standards and Procedures for Licensure regarding nursing programs and miscellaneous updates to form referenced in rule. To revise and update the Rule for Delivery of Programs Through Nontraditional Assessments, Modes and Methods.

SUBJECT AREA TO BE ADDRESSED: Nursing programs and online delivery, Form 604

RULEMAKING AUTHORITY: 1005.22(1(e)1, F.S.

LAW IMPLEMENTED: 1005.31, F.S.

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

DATE AND TIME: Monday, March 28, 2022, 4:00 p.m.

PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey In The Hills, Florida 34737

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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

Section II
Proposed Rules

FISH AND WILDLIFE CONSERVATION
COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-23.009 Sale and Transportation of Freshwater Fish
PURPOSE AND EFFECT: To allow the culture and sale of Florida largemouth bass as a food fish while providing protections to genetic integrity.

SUMMARY: FWC staff coordinated with the Legislature and worked closely with the Florida Department of Agriculture and Consumer Services (FDACS) staff to develop reasonable and appropriate genetic safeguards related to the aquaculture of Florida largemouth bass. These safeguards will be incorporated into FWC rule and FDACS Best Management Practices (BMPs), and both agencies will continue to work together on enforcement as the industry develops. FWC staff are confident the rules and BMPs combined with an ongoing, close working relationship with FDACS staff will provide strong genetic protections for Florida’s iconic freshwater gamefish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas Graef, Director, Division of Freshwater Fisheries Management, 620 South Meridian St., Tallahassee, Florida 32399; largemouthbass@myfwc.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.009 Sale and Transportation of Freshwater Fish.

(1) No person shall sell, purchase, attempt to purchase or sell, or transport any freshwater game fish unless otherwise authorized by specific rule of the Commission. Any person transporting game fish in excess of legal possession limits shall possess documentation that said fish have been acquired legally and are being legally transported.

(a) Holders of valid fishing licenses or persons exempt from such licenses may transport their legal possession limit.

(b) No common carrier shall knowingly transport or receive for transportation any freshwater game fish unless such shipment is accompanied by a bill of lading showing the name of the shipper, Aquaculture Certificate of Registration number issued by the Department of Agriculture and Consumer Services if an aquaculture product, total weight or quantity of each species of fish shipped, and the date of the shipment.

(c) The importation into or transportation within the state of any live *Micropterus* species is prohibited, except *Micropterus salmoides floridanus* that meet Florida Fish and Wildlife Conservation Commission's Genetic Authentication Standards listed in subsection (2) of this rule. Recreational anglers may transport their legally caught bag limit for personal use, which does not include the release of their catch into another waterbody. *Micropterus salmoides floridanus* may be imported into or transported within this state under a FWC import and transport permit, or a permit issued pursuant to Rules 68-5.005 or 68A-9.002, F.A.C. An import and transport permit application may be found at Myfwc.com/fl-lmb-genetic-authentication.

(d) Persons authorized to possess, import and transport *Micropterus salmoides floridanus* shall collect and provide samples of stock in the presence of Commission personnel upon request.

(e) *Micropterus* species being transported in Florida must be accompanied with documentation providing the date of the shipment, total weight or quantity of each species of *Micropterus* shipped. *Micropterus salmoides floridanus* Genetic Authentication documentation if transporting live

Micropterus, appropriate bill of lading showing the name of the shipper, Aquaculture Certificate of Registration number issued by the Department of Agriculture and Consumer Services or an FWC import and transport permit, except as permitted pursuant to Rules 68-5.005 or 68A-9.002, F.A.C. These documents must be available for immediate inspection upon request by Commission personnel.

(2) Persons possessing a valid Aquaculture Certificate of Registration from the Department of Agriculture and Consumer Services as required in Section 597.004, F.S.

(a) May sell and transport live game fish produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display.

(b) May sell game fish commonly called panfish as defined in Rule 68A-1.004, F.A.C., as bait provided the fish are four inches or less in total length.

(c) May import, transport, culture and sell as food fish, game fish as defined in Rule 68A-1.004(33)(b) – (g), and *Micropterus salmoides floridanus*.

~~(b) Game fish commonly called panfish as defined in Rule 68A-1.004, F.A.C., may be sold live as bait provided fish are less than four inches in total length.~~

~~(c) Game fish, except members of the genus *Micropterus*, may be cultured and sold as food.~~

(d) Must confirm genetics of *Micropterus salmoides floridanus* in a manner consistent with Florida Fish and Wildlife Conservation Commission's Genetic Authentication Standards of *Micropterus salmoides floridanus* (Myfwc.com/fl-lmb-genetic-authentication.), which is adopted and incorporated herein by reference effective March 2022. Documentation of genetic authentication must be maintained and available for immediate inspection upon request by Commission personnel.

(3) through (6) No change

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Graef, Director, Division of Freshwater Fisheries Management, 620 South Meridian St., Tallahassee, Florida 32399, largemouthbass@myfwc.com.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 9, 2021

Section III Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
59A-3.249 Neonatal Intensive Care Units (NICU)
 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. 47 No. 249, December 28, 2021 issue of the Florida Administrative Register.

The following sections of the proposed rule will be changed to read:

59A-3.249 Neonatal Intensive Care Units (NICU).

Each hospital with an obstetrical department as described in Rule 59A-3.244(2), F.A.C., must have a neonatal nursery to provide Level I neonatal services. Level I neonatal services means well-baby care services including sub-ventilation care, intravenous feedings, intravenous medications, and gavage to neonates, as needed. Services in a Level I neonatal nursery are restricted to neonates born at 35 weeks gestation or later and who are considered low risk and physiologically stable. Ventilation assistance must not be provided except for resuscitation and stabilization. Upon beginning ventilation, the hospital must implement a patient treatment plan which includes the transfer of the neonate to a hospital providing Level II, III, or IV NICU services at such time that it becomes apparent that ventilation assistance will be required beyond the neonate’s resuscitation and stabilization. A hospital only providing Level I neonatal services must establish a triage procedure to assess the need for transfer of obstetrical patients to hospitals providing Level II, III, or IV NICU services prior to their delivery when there is an obstetrical indication that resuscitation will be required for their neonates.

- (1) through (4) no change
- (5) Level II Neonatal Intensive Care Services.
 - (a) Hospitals that are licensed for Level II NICU services may only provide care for infants at greater than or equal to 30 weeks’ gestation and/or have reached a weight of greater than or equal to 1250 grams.
 - (b) through (e) no change
 - (f) Personnel. Each Level II NICU must have physically present in the facility at all times, a board certified or board eligible neonatologist or other neonatal provider with demonstrated competence in the management of severely ill infants as evidenced by completion of the Neonatal Resuscitation Program and continuing education requirements specific to the care of infants, ~~;~~ Other neonatal providers, for the

purposes of this subsection, must be either pediatric hospitalists, neonatal physician assistants, or neonatal advanced practice registered nurses. If the personnel present at the facility at any time pursuant to this paragraph is not a board certified or board eligible neonatologist, at all such times a neonatologist must be available for consultation and must be available to arrive onsite within 30 minutes of an urgent request. If the neonatologist designated to be either at the facility or available for consultation and arrival upon an urgent request is covering more than one facility, the facility must ensure that a back-up neonatologist be available, documented in an on-call schedule and readily available to facility staff, for consultation or to arrive within 30 minutes upon an urgent request.

- (g) through (h) no change
- (i) Neonatal Nursing.

1. Supervision. The nursing staff must be under the supervision of a registered professional nurse with experience and training in neonatal intensive care nursing.

2. Training and Qualifications. Nurses must be trained to administer cardio-respiratory monitoring, assist in ventilation, administer intravenous fluids, provide pre-operative and post-operative care of patients requiring surgery, manage patients being transported, and provide emergency treatment of conditions such as apnea, seizures, and respiratory distress. All nurses must maintain current certification in the Neonatal Resuscitation Program.

- 3. Staffing.
 - a. There must be at least one nurse for every ~~four~~ three patients receiving Level II neonatal intensive care services.
 - b. At least one-half of the nursing personnel assigned to each work shift in Level II NICUs must be registered professional nurses.

- (j) no change
- (k) Level II NICU Bed Equipment. Each bed must have:

- ~~1. An incubator or radiant warmer;~~
- ~~2. One heated humidifier and humidified oxygen delivery systems;~~

- ~~1,3.~~ One cardiopulmonary monitor and pulse oximeter;
- ~~2,4.~~ At least one resuscitation bag and mask; and
- ~~3,5.~~ At least one infusion pump; ~~and~~
- ~~6. At least one neonatal portable suction device.~~

(l) Level II NICU Equipment. Each unit must have available on demand:

- 1. At least one oxygen analyzer for every three occupied beds;
- 2. At least one non-invasive blood pressure monitoring device for every three occupied beds;
- 3. At least one ventilator for every three occupied beds;
- 4. An EKG machine with printout capability;
- 5. Continuous blood pressure measurement equipment; ~~and~~

6. A portable digital x-ray capable of directly displaying radiography and digital images in the NICU;

7. An incubator or radiant warmer for each occupied bed;

8. One heated humidifier and humidified oxygen delivery systems for each occupied bed; and

9. At least one neonatal fixed or portable suction device for each occupied bed.

(6) No change

(7) Level IV Neonatal Intensive Care Services.

(a) through (f) no change

(g) Onsite Pediatric Surgical Subspecialties. Each Level IV NICU must provide the following pediatric surgical subspecialties onsite:

1. Craniofacial surgery;

2. General surgery; and

3. Neurosurgery; ~~and~~

(h) through (l) no change

~~(8) This rule is in effect for five years from its effective date.~~

Rulemaking Authority 395.1055, FS. Law Implemented 395.1055, FS, 408.0455, FS. History—New_____.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65C-9.004 Standards for Unaccompanied Alien Children Homes and Unaccompanied Refugee Minor Programs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 48 No. 28, February 10, 2022 issue of the Florida Administrative Register. The Department of Children and Families has revised the statement of estimated regulatory costs ("SERC") in response to receipt of lower cost regulatory alternatives. The revised SERC is available on the Department's website.

**Section IV
Emergency Rules**

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65CER22-1 Standards for Unaccompanied Alien Children and Unaccompanied Refugee Minor Programs

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On September 28, 2021, the Governor of the State of Florida signed Executive Order 21-223, declaring that the

Biden administration’s refusal to faithfully enforce federal immigration laws has led to an unprecedented surge of illegal border crossings at the southwest border of the United States. In July 2021 alone, over 213,000 persons attempted to illegally enter the United States at the southwest border, the highest number in more than 20 years, and another 209,840 persons attempted to illegally enter in August. Note 1. For the entire federal fiscal year of 2021, over 1.7 million foreign nationals were encountered at the southwest border attempting to enter the country illegally. Note 2. In the first quarter of this federal fiscal year, the reported number of such encounters stands at more than 518,000. Note 3. By contrast, in the last full federal fiscal year of the previous administration (federal fiscal year 2020), there were fewer than 460,000 such encounters, and in the fiscal year before that (federal fiscal year 2019), there were fewer than 980,000 encounters. Note 4.

The Biden administration has taken numerous actions to cause and further exacerbate this border crisis. It terminated the previous administration’s Migrant Protection Protocol (MPP) program (also known as the “Remain in Mexico” policy), reinstated a “catch and release” policy, ended further construction of a border wall, and declined to detain and remove certain categories of illegal aliens who had been convicted of committing crimes. The administration’s unlawful termination of MPP was successfully challenged in court, see *Texas v. Biden*, No. 21-10806 (5th Cir. Dec. 21, 2021), but the Biden administration is currently working to reimplement the program. Its other actions, however, remain in effect.

Notwithstanding that federal immigration law generally requires that aliens entering the United States without a clear right to be admitted (including applicants for asylum) must be detained pending further proceedings, see 8 U.S.C. § 1225(b)(2)(A), *id.* § 1225(b)(1)(B), the Biden administration has instead been releasing into the interior of the United States large numbers of illegal aliens apprehended at the southwest border. The U.S. Border Patrol released 60,559 illegal aliens from the southwest border in July 2021 alone and another 44,112 in August 2021, a massive increase from the 17 illegal aliens released in December 2020, the last full month of the previous administration. Note 5. During federal fiscal year 2021, the Border Patrol released in total more than 248,000 aliens apprehended at the southwest border, almost all of which occurred after January 2021. Note 6. This number does not reflect additional releases by other elements of the U.S. Department of Homeland Security (DHS). In an October 20, 2021 letter, DHS confirmed that at least 5,900 single illegal alien adults who were released at the southwest border have reported to an Immigration and Customs Enforcement (ICE) field office in Florida. This number likely vastly underreports the number of released illegal aliens from the southwest border who have resettled in Florida because approximately 80% of

aliens who are released at the border and are directed to report to an ICE office within 60 days reportedly fail to do so. Note 7. Because the Federal Government does not actively coordinate or consult with the State of Florida concerning the illegal aliens that it releases from the southwest border into the interior of the United States, the State of Florida has no knowledge about the backgrounds, criminal history, immigration status, or the status of removal proceedings for the aliens who have resettled in Florida. The State of Florida has brought a legal challenge to the Biden administration's unlawful "catch and release" policy, which is now pending in the U.S. District Court for the Northern District of Florida. See First Amended Complaint for Declaratory and Injunctive Relief, *State of Florida v. United States*, No. 3:21-cv-01066-TKW-EMT (N.D. Fla. Feb. 1, 2022) (articulating harms to the State of Florida because of the Biden administration's "catch and release" policy).

The surge of foreign nationals attempting to enter illegally at the southwest border has included a large number of Unaccompanied Alien Children (UAC), defined by federal law as a child who has no lawful immigration status; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide physical custody and care, see 6 U.S.C. § 279(g)(2). Over 146,000 encounters at the southwest border for federal fiscal year 2021 involved UAC or single minors, compared to approximately 33,000 in fiscal year 2020 and 80,000 in fiscal year 2019. Note 8. For federal fiscal year 2022, the number of such encounters has already reached more than 38,000. Note 9. Under existing federal law, the U.S. Department of Health and Human Services (HHS) must take custody of these UAC and attempt to place them with sponsors in the United States until the UAC's immigration proceedings are completed. While the UAC await placement with a sponsor, HHS will often house the UAC in group home facilities or foster homes that are operated by private entities or individuals under contract with HHS and licensed by the states where the facilities or homes are located. It is estimated that at least 4,284 UAC were housed in group home facilities or foster homes in Florida over the last year. During federal fiscal year 2021, 11,145 UAC were placed with sponsors in Florida, more than the 10,773 UAC placed in California, a substantially larger state. Note 10. So far during federal fiscal year 2022, 3,597 UAC have already been placed in Florida. Note 11.

Neither DHS nor HHS actively coordinates or consults with the State of Florida, including the Department, on the UAC that are resettled in Florida. The State does not receive meaningful, if any, advance notice when UAC are transported to Florida and is not meaningfully consulted on the number of UAC that the State's child-caring resources and capacity could feasibly support without adversely affecting children already present in

Florida and under the State's protection and care. Recently, the State of Florida discovered that, between May and October 2021, there were 78 flights that arrived in Florida likely transporting UAC. This occurred without advance notice to the Department and without the State's consent. The State is given no opportunity to object to the transportation or resettlement of UAC in Florida.

Moreover, the State receives no information on the background, criminal history, immigration status, status of removal proceedings, or the sponsors of the UAC brought to Florida. See, e.g., Letter from Governor Ron DeSantis to DHS Secretary Alejandro Mayorkas, Resettlement of Illegal Aliens in Florida, Aug. 26, 2021; Letter from Acting ICE Director Tae Johnson to Governor Ron DeSantis, Oct. 20, 2021; Letter from DHS Secretary Alejandro Mayorkas to Governor Ron DeSantis, Nov. 24, 2021. UAC are regularly placed with sponsors without adequate follow-up by HHS or the placement entities to ensure the safety and welfare of the UAC. According to a recent report, between January and May 2021, federal contractors responsible for placing UAC with sponsors across the United States were unable to reach the minor or the sponsor in roughly one of every three attempts. Note 12. Nor does the State have any assurance that the UAC are, in fact, minors. As a result of the chaos at the southwest border, there is a significant risk of insufficient and inaccurate vetting of people claiming protection as UAC. Many UAC are male teenagers nearing adulthood, and some are gang members when they arrive or later become gang members. Note 13. Recently, a 24-year-old Honduran national was charged with murder in Florida after having falsely represented his age and having been released into the United States as a UAC. Note 14. In short, the Federal Government has failed to provide the State of Florida with sufficient answers to its requests for information on the resettlement of illegal aliens, including UAC, so that their safety and the safety and welfare of Florida's citizens, including children already present in Florida, can be secured. The Federal Government's failure to enforce federal immigration law and secure the border, as well as the absence of meaningful coordination and consultation concerning the resettlement of UAC in Florida, are an immediate danger to the safety and welfare of Floridians, including its most vulnerable children, as well as recently arrived UAC. (The Federal Government's conduct with respect to the resettlement of UAC in Florida stands in stark contrast to the Federal Government's conduct with respect to the resettlement of Unaccompanied Refugee Minors (URM), where the Federal Government has a cooperative agreement in place with the State of Florida.)

To date, the Department has generally granted licenses to facilities that sought to house UAC brought to Florida by HHS. In light of the crisis described above, Section 8 of Executive Order 21-223 directed the Department to "determine whether the resettlement of unaccompanied alien children in Florida

from outside of the state constitutes ‘evidence of need’ under section 409.175(5)(b)(1), Florida Statutes, sufficient to justify the award of a license under Florida law to family foster homes, residential child-caring agencies, or child-placing agencies that seek to provide services for unaccompanied alien children.” “To the extent that such resettlement of unaccompanied alien children in Florida is determined not to constitute ‘evidence of need’ under Florida law,” the executive order directed the Department to “amend, if necessary, Florida Administrative Code Rule 65C-46.022, ‘Standards for Unaccompanied Alien Children (UAC) Homes and Unaccompanied Refugee Minor Programs,’ in accordance with state law, to reflect the Department’s determination.” In this Emergency Rule, the Department determines that an application for issuance or renewal of a license to house UAC or URM, who are being resettled in Florida from outside of the state, does not constitute “evidence of need,” § 409.175(5)(b)1, Florida Statutes, “to protect the health, safety, and well-being of all children in the state” cared for by residential child-caring agencies, § 409.175(1)(a), Florida Statutes, in the absence of a cooperative agreement between the State of Florida and the Federal Government in which the State of Florida is entitled, at a minimum, to advance notice and meaningful consultation before the resettlement of such UAC or URM in Florida. The Emergency Rule also prohibits existing licensees from adding to their existing UAC population and imposes additional requirements to ensure that such licensees protect the safety and welfare of UAC that they place with sponsors in the state. Given the ongoing crisis at the border, including the Federal Government’s failure to enforce federal immigration law and to secure the border, the resettlement of UAC in Florida, its ongoing refusal to provide meaningful coordination and consultation, its failure to provide adequate protection for and supervision of UAC once they are placed with sponsors in the state, and its failure to adequately screen purported UAC (as evidenced by the recent murder charge brought against an adult foreign national who misrepresented his age to gain entry to the United States), emergency rulemaking is justified and necessary.

Note 1: Rebecca Beitsch, US-Mexico July Border Crossings Hit 20 Year High, *The Hill* (Aug. 12, 2021), <https://thehill.com/policy/national-security/567647-us-mexico-july-border-crossings-near-20-year-high>; see U.S. Customs & Border Prot., Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last updated Jan. 4, 2022) (showing 213,593 for July and 209,840 for August).

Note 2: U.S. Customs & Border Prot., Southwest Land Border Encounters, *supra* note 1.

Note 3: *Id.*

Note 4: *Id.*

Note 5: See U.S. Customs & Border Prot., Custody and Transfer Statistics FY2021, <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics-fy2021> (last accessed Feb. 9, 2022).

Note 6: See *id.*

Note 7: See Mark Krikorian, Immigration Enforcement on the Honor System, <https://www.nationalreview.com/corner/immigration-enforcement-on-the-honor-system/> (July 16, 2021). In addition, between federal fiscal year 2008 and 2019, “32 percent of aliens referred to [immigration courts] absconded into the United States” and did not report to their hearings. See Memorandum Opinion and Order, *Texas v. Biden*, No. 2:21-CV-067-Z, 2021 WL 3603341, at *4 (N.D. Tex. Aug. 13, 2021).

Note 8: See U.S. Customs & Border Prot., Southwest Land Border Encounters, *supra* note 1.

Note 9: See *id.*

Note 10: See Office of Refugee Resettlement, Unaccompanied Children Released to Sponsors by State (June 24, 2021), <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>.

Note 11: See *id.*

Note 12: See Stef W. Knight, Exclusive: Government Can’t Reach One-in-Three Released Migrant Kids (Sept. 1, 2021), <https://www.axios.com/migrant-children-biden-administration-a597fd98-03a7-415c-9826-9d0b5aaba081.html>.

Note 13: See Camilo Montoya-Galvez, U.S. Shelters Received a Record 122,000 Unaccompanied Migrant Children in 2021, *CBS News* (Dec. 23, 2021), <https://www.cbsnews.com/news/immigration-122000-unaccompanied-migrant-children-us-shelters-2021/> (stating that nearly three-quarters of unaccompanied minors encountered at the border during the 2021 fiscal year were believed to be ages 15 to 17 and roughly two-thirds of the total were males); Kerry J. Byrne, The Number of Adult Migrants Posing as Children at Border Surging, *N.Y. Post* (Nov. 13, 2021), <https://nypost.com/2021/11/13/the-number-of-adult-migrants-posing-as-children-at-border-surging/> (reporting that about “30% of the MS-13 members arrested in recent years by ICE originally entered the U.S. as unaccompanied minors”); see also Written testimony of CBP U.S. Border Patrol Acting Chief of Carla Provost for a Senate Committee on the Judiciary hearing titled “The MS-13 Problem: Investigating Gang Membership As Well As Its Nexus to Illegal Immigration, and Assessing Federal Efforts to End the Threat”, Department of Homeland Security (June 21, 2017), <https://www.dhs.gov/news/2017/06/21/written-testimony-cbp-senate-committee-judiciary-hearing-titled-ms-13-problem#fn3>; Unaccompanied child immigration loophole

releases MS-13 gang members, AP News (Jan. 13, 2019), <https://apnews.com/article/5d2784fb7c909b43791d6aea63339a6c>.

Note 14: See Adam Shaw, Honduran Illegal Immigrant Charged with Murder Entered US Falsely Claiming to be Unaccompanied Minor: Report (Nov. 4, 2021), <https://www.foxnews.com/politics/honduran-illegal-immigrant-charged-murder-entered-us-unaccompanied-minor>. REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure is fair under the circumstances because the Emergency Rule ends the State's practice of facilitating the Federal Government's UAC resettlement program without terminating existing licenses or otherwise permanently foreclosing the issuance of licenses for UAC in the future. Instead, going forward, the State will require a meaningful cooperative agreement with the Federal Government, including a commitment to resume full enforcement of the immigration laws and to secure the border, before issuing or renewing licenses for housing UAC. (The same principle will apply for licenses to house URM, but there is a cooperative agreement with the Federal Government already in place.) In the meantime, existing licensees will not be permitted to add to their existing UAC population and will be subject to additional obligations to ensure the welfare and safety of the UAC whom they place with sponsors in Florida, but their existing licenses will not be cancelled.

SUMMARY: The Department of Children and Families hereby provides notice of renewal of Emergency Rule 65CER22-1, Standards for Unaccompanied Alien Children and Unaccompanied Refugee Minor Programs, as adopted on February 11, 2022, and noticed in Volume 48, Number 30 of the Florida Administrative Register published on February 14, 2022.

On February 10, 2022, the Department of Children and Families published a Notice of Proposed Rule pursuant to section 120.54(3)(a)1, Florida Statutes, in Volume 48, Number 28 of the Florida Administrative Register for Proposed Rule 65C-9.004 to adopt a permanent rule to: (1) require a cooperative agreement between the State of Florida and the Federal Government in order to demonstrate "evidence of need" under section 409.175, Florida Statutes, to obtain or renew a license for a residential child-caring agency, child-placing agency, or foster home caring for Unaccompanied Alien Children or Unaccompanied Refugee Minors; and (2) establish regulations for conducting welfare checks of the Unaccompanied Alien Children placed with sponsors in Florida.

Proposed Rule 65C-9.004 has been submitted to the Legislature for ratification, and is therefore awaiting legislative ratification pursuant to section 120.541(3), Florida Statutes. Pursuant to section 120.54(4)(c)2, Florida Statutes, Emergency Rule 65CER22-1, Florida Administrative Code, is renewed.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Elizabeth Floyd. Elizabeth can be reached at Elizabeth.Floyd@myflfamilies.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER22-1 Standards for Unaccompanied Alien Children and Unaccompanied Refugee Minor Programs (Renewal).

(1) Any residential child-caring agency, child-placing agency, or family foster home, as those terms are defined in 409.175(2), F.S., seeking to provide services for Unaccompanied Alien Children (UAC) and Unaccompanied Refugee Minors (URM) must meet licensing requirements herein in addition to the program standards for the type of license sought.

(2) For purposes of section 409.175(5)(b)1, F.S., which requires "evidence of need" to obtain a license, and section 409.175(1)(a), F.S., which provides that the purpose of the licensure requirement is to "protect the health, safety, and well-being of all children in the state" who are cared for by residential child-caring agencies or family foster homes, or placed by child-placing agencies, the planned and organized resettlement of UAC or URM by the Office of Refugee Resettlement (ORR) of the U.S. Department of Health and Human Services does not constitute evidence of need as required for issuance or renewal of a license for a residential child-caring agency, child-placing agency, or family foster home that seeks to provide services to such UAC or URM, unless such resettlement is governed by a cooperative agreement between the State of Florida and the United States Government. In the absence of such cooperative agreement, no license will be issued or renewed with respect to any residential child-caring agency, child-placing agency, or family foster home that applies to provide services for UAC or URM resettling to Florida, and any residential child-caring agency, child-placing agency, or family foster home providing such services under a current license to UAC or URM who have already resettled in Florida may not further place or take placement of any additional UAC or URM until a cooperative agreement is entered. For purposes of this rule, the term "resettlement" means the transportation of persons to Florida for the purpose of temporarily or permanently residing in Florida. The Department has no obligation to enter or renew a cooperative agreement with the United States Government for the resettlement of UAC or URM to Florida, and the Department may revoke or decline to enter or renew such agreement.

(3) The child-placing agency or residential child-caring agency, whichever is applicable, must ensure a contractual or grant agreement was executed between ORR and the child-

placing agency or residential child-caring agency in order to provide care and services to UAC.

(4) The child-placing agency or residential child-caring agency, whichever is applicable, must ensure a contractual or grant agreement was executed between the U.S. Government and the State of Florida in order to provide care and services to URM.

(5) Care and supervision of UAC, URM, and dependent youth may not be provided in the same home or under the same license. The child-placing agency must ensure foster parents comply with this requirement.

(6) For a residential child-caring agency, the director and direct care staff must sign and comply with the plan applicable to the licensed setting. For a foster home, the child-placing agency must ensure the foster parents sign and comply with the plan applicable to the licensed setting. Residential child-caring agencies, child-placing agencies, or foster homes that provide services for UAC must use the "Plan for Unaccompanied Alien Children" Form, CF-FSP 5488, February 2022, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14108>. Residential child-caring agencies, child-placing agencies, or foster homes that provide services for URM must use the "Partnership Plan for Unaccompanied Refugee Minors," Form CF-FSP 5487, February 2022, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14107>.

(7) The residential child-caring agency or child-placing agency, whichever is applicable, must conduct in-person welfare checks of any UAC that it places, or assists in placing, with a sponsor after the effective date of this rule to ensure each child's safety and well-being.

(a) The welfare checks must be completed a minimum of once every six months until one of the following occurs:

1. The child reaches the age of 18;
2. The child permanently leaves Florida;
3. The child is removed from the United States;
4. The child is granted lawful immigration status; or
5. The residential child-caring agency or child-placing agency closes or is no longer licensed.

(b) The welfare checks must include:

1. Verifying the identity of the child through previously submitted photographs obtained by the child-placing or residential child-caring agency;
2. Taking a photograph of the child;
3. Looking for any unusual marks on visible parts of the body;
4. Speaking with the child about any issues he or she may be experiencing; and
5. Speaking with the caregiver about the child's well-being

and basic needs.

(c) The child-caring or child-placing agency must report the results of the welfare checks to the Department or, if applicable, the Florida Abuse Hotline as follows:

1. Suspected incidents of child abuse and neglect must be immediately reported to the Florida Abuse Hotline in accordance with Chapter 39, F.S.

2. If the welfare check does not reveal any of the incidents described in (7)(c)1. of this rule, then the report must be made no later than the fifth (5th) day of the month following the date the welfare check was conducted, e.g., if a welfare check is completed on January 15, then the report must be made no later than February 5. The report must include the following:

- a. Name of the child and date of birth.
- b. Date the welfare check was conducted.
- c. Name of the child's caregiver.
- d. Location of the in-person welfare check.
- e. Statement affirming that there were no presenting issues or concerns.
- f. Any indication that the child is no longer residing in or is temporarily relocated from the sponsor's home, to include that the child has been determined to be missing or the child's whereabouts are unknown.

(8) Any child-placing agency or residential child-caring agency that provides care to URM must adhere to all contractual and federal case management requirements when conducting in-person child welfare checks.

(9) The residential child-caring agency must ensure all direct care staff complete training hours on immigration in child welfare, cultural awareness, and human trafficking related topics, as outlined in section 4.3.6. of the Office of Refugee and Resettlement UAC Program Policy, March 11, 2019, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13072>. The child-placing agency must ensure foster parents complete training hours outlined in 65C-45.002, F.A.C.

(10) The child-placing agency or residential child-caring agency must provide a copy of its education plan outlining how education will be provided.

(11) The child-placing agency or residential child-caring agency must develop policies and procedures on the administration and management of medication. A licensed health care provider must write or verbally order all nonprescription medications. Verbal orders must be documented in the child's file. The residential child-caring agency or child-placing agency must align all health and safety policies with ORR guidelines.

(12) The child-placing agency or residential child-caring agency must notify the Department of any changes in the contract/grant agreement with ORR, and submit an updated copy, to include ORR's decision to no longer utilize the facility.

(13) For purposes of this rule, the term “Unaccompanied Alien Child” has the same meaning as in 6 U.S.C. § 279(g)(2), and the term “Unaccompanied Refugee Minor” means an unaccompanied minor, as defined in 45 C.F.R. §400.111, who has met the federal eligibility standards for placement into the Unaccompanied Refugee Minor Program.

(14) This Emergency Rule will expire on June 7, 2022. Rulemaking Authority 409.175(5) FS. Law Implemented 409.175 FS.

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: March 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-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On February 28, 2022 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 LA KORITA INC located in Jacksonville. 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 48/41 on March 1, 2022. The Order for this Petition was signed and approved on March 9, 2022. 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: Kasimira.Kelly@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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 telephone conference call to which all persons are invited.

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

PLACE: Zoom at
<https://zoom.us/j/96521603540?pwd=ek5uaStBaTh5TG1FVVdEY3BULzZSdz09>; Meeting ID: 965 2160 3540, Passcode: 056750, Dial-in: (301)715-8592.

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, cell 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, cell 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, cell or Ricardo.Alvarez@FDACS.gov.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

The Florida Department of Environmental Protection, Office of Resilience and Coastal Protection announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 23, 2022, 6:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR), 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for GTMNERR will hold a meeting to provide advisory input for the management of GTMNERR.

A copy of the agenda may be obtained by contacting: Abigail Kuhn by email: Abigail.Kuhn@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 48 hours before the workshop/meeting by contacting: Abigail Kuhn at (904)823-4500. 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 ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.810 Everglades West Coast Basin TMDLs

The Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: March 29, 2022, 9:30 a.m.

PLACE: In person: 1st Floor Conference Room, South Florida Water Management District, Fort Myers Service Center, 2301 McGregor Blvd., Fort Myers, Florida or via webinar: <https://attendee.gotowebinar.com/register/4291384408535063564>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft fecal indicator bacteria Total Maximum Daily Loads (TMDLs) for impaired surface waters in the Everglades West Coast Basin to be adopted in Rule 62-304.810, F.A.C. These TMDLs will also serve as a pilot for a new consolidated approach that DEP intends to use in the future to address fecal indicator bacteria impairments throughout the state. The draft TMDLs to be presented at the public workshop are the Cocohatchee River (WBID 3259A); Cow Slough (WBID 3278E); Estero River (Marine Segment) (WBID 3258D1); Gordon River (Marine Segment) (WBID 3278R5); Gordon River Extension (WBID 3278K); Haldeman Creek (Lower) (WBID 3278R1); Haldeman Creek (Upper) (WBID 3278R2); Imperial River (Marine Segment) (WBID 3258EB); Mullock Creek (WBID 3258C2); Mullock Creek (Marine Segment) (WBID 3258C4); Naples Bay (Coastal Segment) (WBID 3278R4); Rock Creek (WBID 3278R3); Spring Creek (Marine Segment) (WBID 3258H2); Ten Thousand Islands (WBID 3259M). The Department will accept written comments on the draft TMDLs through April 15, 2022. Written comments should be directed to: Ansel Bubel, Environmental Administrator, Florida Department of Environmental

Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Ansel.Bubel@Floridadep.gov.

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8556.

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: Ms. Shamyah Gibson, (850)245-8449. 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 ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

The Myakka River Management Coordinating Council announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2022, 9:30 a.m. – 12:30 p.m.

PLACE: Virtual Meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Council Business for administering the Myakka River as a Wild and Scenic River.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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: Chris Oliver, (941)882-7191.

DEPARTMENT OF HEALTH

The Florida Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 18, 2022, 1:00 p.m.

PLACE: TEAMS Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates to the FY22-23 Funding Opportunity Announcement by the Biomedical Research Advisory Council (BRAC)

A copy of the agenda may be obtained by contacting: Ernesto A. Díaz, MPH, Research Grant Specialist, Advisory Board Liaison, Biomedical Research Section, Public Health Research, Phone Number: (850)245-4603, Mobile: (772)678-2616, Fax: (850)414-6091, Florida Department of Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, FL 32399

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

The Florida Tobacco Strategic Planning Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2022, 9:00 a.m. – 10:00 a.m.

PLACE: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzEyZDK2OTUtMGY5OC00MmMyLWFjYmUtZWQ1YmM3YTQyNGIy%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%22fb9f3151-b1e7-4bdd-b7d8-ab788c883603%22%7d

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will focus on communicating strategic planning process updates as well as the next steps for steering committee members.

A copy of the agenda may be obtained by contacting: Georgia Sheridan, (941)745-2294, georgia.sheridan@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 72 hours before the workshop/meeting by contacting: Georgia Sheridan, (941)745-2294, georgia.sheridan@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: Georgia Sheridan, (941)745-2294, georgia.sheridan@flhealth.gov.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:RULE TITLES:

- 68A-6.001 Captive Wildlife Definitions
- 68A-6.009 General Regulations Governing Possession of Captive Wildlife
- 68A-6.018 Injuries, Bites, and Escapes

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

DATE AND TIME: Tuesday, April 12, 2022, 6:00 p.m. – 8:00 p.m. ET

PLACE: Hilton University of Florida Conference Center Gainesville, 1714 SW 34th Street, Gainesville, FL 32607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is considering amendments to the captive wildlife regulations regarding reporting requirements for injuries, bites and escapes, to clarify the enclosure requirement regarding open top enclosures and barriers to prevent escapes, and to include a prohibition on unauthorized persons breaching safety barriers. The meeting is to provide the public an opportunity to provide feedback on proposed regulations.

A copy of the agenda may be obtained by contacting: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.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: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:RULE TITLES:

- 68A-6.001 Captive Wildlife Definitions
- 68A-6.009 General Regulations Governing Possession of Captive Wildlife
- 68A-6.018 Injuries, Bites, and Escapes

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

DATE AND TIME: Monday, April 25, 2022, 6:00 p.m. – 8:00 p.m. ET

PLACE: Springhill Suites Orlando at Flamingo Crossing 13279 Hartzog Road, Winter Garden, Florida 34787

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is considering amendments to the captive wildlife regulations regarding reporting requirements for injuries, bites and escapes, to clarify the enclosure requirement regarding open top enclosures and barriers to prevent escapes, and to include a prohibition on unauthorized persons breaching safety barriers. The meeting is to provide the public an opportunity to provide feedback on proposed regulations.

A copy of the agenda may be obtained by contacting: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.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: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:RULE TITLES:

68A-6.001 Captive Wildlife Definitions

68A-6.009 General Regulations Governing Possession of Captive Wildlife

68A-6.018 Injuries, Bites, and Escapes

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

DATE AND TIME: Tuesday, April 26, 2022, 6:00 p.m. – 8:00 p.m. ET

PLACE: Homewood Suites by Hilton Palm Beach Gardens
4700 Donald Ross Road Palm Beach Gardens

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is considering amendments to the captive wildlife regulations regarding reporting requirements for injuries, bites and escapes, to clarify the enclosure requirement regarding open top enclosures and barriers to prevent escapes, and to include a prohibition on unauthorized persons breaching safety barriers. The meeting is to provide the public an opportunity to provide feedback on proposed regulations.

A copy of the agenda may be obtained by contacting: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.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: Major Grant Burton, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-6253, email: Grant.Burton@myfwc.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:RULE TITLES:

68A-27.0021 Designation of Candidate Species; Prohibitions; Permits

68A-27.003 Florida Endangered and Threatened Species List; Prohibitions

The Fish and Wildlife Conservation Commission announces a workshop to which all persons are invited.

DATES AND TIMES: Wednesday, April 13, 2022, 2:00 p.m. – 4:00 p.m. ET; Thursday, April 14, 2022, 6:00 p.m. – 8:00 p.m. ET

PLACE: The two workshops will be broadcast via webinars. All webinars will have the same presentation. Information on joining the webinar will be available at <https://myfwc.com/wildlifehabitats/wildlife/listing-actions/>.

Participation in the webinar will require access to the internet OR a telephone for audio-only access.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will present a draft Species Action Plan and draft Species Conservation Measures and Permitting Guidelines for the striped newt (*Notophthalmus perstriatus*). The Species Action Plan outlines the biological background, conservation history, threats and recommended listing status, conservation goals, conservation objectives, and conservation actions for the striped newt. The Guidelines outline the biological background, recommended survey methodology, and voluntary conservation practices designed to improve conditions for the species. The Guidelines also include information on the permitting process. The webinars will provide the public an opportunity to provide feedback and offer suggestions on the proposed Species Action Plan and Guidelines. Comments may also be sent to Imperiled@MyFWC.com.

A copy of the agenda may be obtained by contacting: Imperiled@MyFWC.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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: Brad O'Hanlon at Bradley.OHanlon@MyFWC.com or by calling (850)488-3831.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:RULE TITLES:

68A-23.002 General Methods of Taking Freshwater Fish

68A-23.005 Bag Limits, Length Limits, Open Season:
Freshwater Fish

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

DATE AND TIME: March 30, 2022, 6:00 p.m. – 8:00 p.m. ET

PLACE: Blue Cypress Room, St. Johns River Water Management District Office, 525 Community College Pkwy SE, Palm Bay, FL 32909

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a public meeting to discuss public input related to proposed Largemouth Bass regulation changes for Fellsmere Water Management Area (commonly known as Headwaters and Egan Lakes). Staff will provide a brief presentation on this topic and then gather feedback on proposed rule language. All stakeholders interested are encouraged to attend.

Proposed Rules:

Fellsmere Water Management Area (Headwaters and Egan Lakes):

Catch and release of all Largemouth Bass

Circle hooks required when fishing with live bait greater than 3” in length

A copy of the agenda may be obtained by contacting: Allen Martin, at 3377 E. US Hwy 90, Lake City, FL 32055, (386)623-1836.

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). 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: Trevor Knight, at 1239 SW 10th Street, Ocala, FL 32608, (352)620-7341.

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: March 22, 2022, 8:15 a.m.

PLACE: 720 North Denning Drive, 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).

Florida Sports Foundation

The Florida Sports Foundation, Inc. (UPDATED) announces a public meeting to which all persons are invited.

DATE AND TIME: March 24, 2022, 9:00 a.m.

PLACE: Betty T. Ferguson Recreational Center, 3000 NW 199th Street, Miami Gardens, FL 33056

GENERAL SUBJECT MATTER TO BE CONSIDERED: 3rd Quarter Board of Directors Meeting

A copy of the agenda may be obtained by contacting: Jacqueline Hightower at jhightower@playinflorida.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 7 days before the workshop/meeting by contacting: Jacqueline Hightower at jhightower@playinflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jacqueline Hightower at jhightower@playinflorida.com.

Infinite Source Communications Group, LLC

The Florida Department of Transportation District Six announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 29, 2022, 6:00 p.m.

PLACE: In-Person Public Meeting will be held at: Jose Marti Gym, 434 SW 3 Avenue, Miami, FL 33130. All current Centers for Disease Control and Prevention (CDC) guidelines will be followed.

To RSVP visit [click here](#).

To attend the Virtual Public Meeting online: Visit the link: <https://attendee.gotowebinar.com/register/7189679466460405004>

Participants can also call in by dialing (562)247-8422, Access code: 360-393-984

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a meeting, both in-person and virtually, for two roadway

projects along State Road (SR) 9A/1-95 from the Rickenbacker Causeway to SW 25 Road and from SR 90/SW 8 Street to SW 7 Street, located in Miami-Dade County. The projects identification numbers are 443894-1-52-01 and 443896-1-52-01. The meeting will consist of a formal presentation followed by an open discussion. Staff will be available to answer questions and provide assistance. Questions will be responded to as time permits, in the order received. If your question is not responded to during the event, a response will be provided in writing following the meeting.

For the in-person meeting, all current Centers for Disease Control and Prevention (CDC) guidelines will be followed.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: Community Outreach Specialist, Rodolfo Roman at (305)470-5477, email: Rodolfo.Roman@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Nicholas Danu at (305)470-5219 or in writing at FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at: Nicholas.Danu@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: Community Outreach Specialist, Rodolfo Roman at (305)470-5477, email: Rodolfo.Roman@dot.state.fl.us.

**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**

DEPARTMENT OF EDUCATION
DISTRICT BOARD OF TRUSTEES
MIAMI DADE COLLEGE
11011 S.W. 104th STREET
MIAMI, FL 33176-3393

Miami Dade College is seeking electronic responses to the Request for Qualifications (RFQ) listed below. All solicitation documents, announcements, scheduled meetings, and links will be communicated through the Miami Dade College BidNet Direct website:

<https://www.bidnetdirect.com/florida/miamidadecollege>

BID NUMBER: 2022-NL-16

BID TITLE: To Provide Inspection, New Installation, and Repair Services Related to:

- Pool Repair & Inspection
- Gas, Electrical & Water Heater/Boiler
- Bleacher Inspections & Repair
- Solar Lighting & Repair
- Retention Pond & Lake Management
- Partition Wall Inspection & Repair

Due Date: by 3:00 p.m. ET, April 22, 2022

Contact for this solicitation: Nafeesa Larson, nlarson@mdc.edu.

If a person decides to appeal any decision with respect to any matter considered at the above-cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. A copy of the agenda may be obtained by writing to: Miami Dade College, Office of the Purchasing Director, 11011 S.W. 104 Street, Miami, FL 33176 or by calling (305)237-2402.

DEPARTMENT OF CORRECTIONS
 202016-3 Lake CI Inpatient Mental Health Unit C
 RULE NO.: RULE TITLE:
 33-202.101: Public Hearings on Community Correctional Centers
 ADVERTISEMENT TO BID FOR CONSTRUCTION
 AJAX BUILDING COMPANY LLC, AS CM FOR
 STATE OF FLORIDA DEPARTMENT OF CORRECTIONS
 PUBLIC ANNOUNCEMENT REQUESTING
 QUALIFICATIONS TO BID
 FROM INTERESTED SUBCONTRACTORS
 PREQUALIFICATION PACKAGES ARE REQUESTED
 FROM INTERESTED SUBCONTRACTORS BY AJAX
 BUILDING COMPANY LLC ON BEHALF OF FLORIDA
 DEPARTMENT OF CORRECTIONS.
 AJAX PROJECT NUMBER: 202016 - 3
 PROJECT NAME: FDC-CM20007 Lake CI Inpatient Mental Health Unit C
 PROJECT LOCATION: Lake CI, 19225 US 27, Clermont FL 34715
 PRE-BID MEETING: To be held via Video Call (Go to Meeting) on TBD, at 10:30am EST. Invitations to all interested bidders.
 BID OPENING: To be held at 2:00 p.m. on TBD, at Ajax’s Offices (1080 Commerce Blvd. Midway, Florida 32343)
 ESTIMATED OVERALL CONSTRUCTION BUDGET: \$150,000,000.00
 BID PACKAGES/SCOPES OF WORK:
 202016-BP 02.02 Recreation/Wellness Building Replacement,
 202016-BP 02.03 Demolition & Abatement,
 202016-BP 31.01 Sitework and Stormwater Management, and
 202016-BP 32.01 Security Fencing
 Refer to AJAX website (below) for further details.
 Bidding documents are expected to be available in the near future and will only be made available to pre-qualified subcontractors. Pre-qualification forms and instructions are available on Ajax’s website (<https://www.ajaxbuilding.com/subcontractors/>).
 Bid awards will be made in accordance with Section 255.29, Florida Statutes, and AS DETAILED IN THE SPECIFIC BID PACKAGE.

Dates for site visits and bid openings will be provided via Addendum when the bid documents become available. Please visit AJAX’s website for additional Bid Package specific information:

Subcontractor Bidding Opportunities – Lake CI Mental Health Unit (https://40jyosdgqhu3jszqo3nqdbbyq-wpengine.netdna-ssl.com/wp-content/uploads/sites/3/2022/03/22.03.01-Project-Info-Sheet_202016.update.pdf).

Brasfield & Gorrie, LLC
 UF Traffic Lab Renovations
 Brasfield & Gorrie
 Request for Qualifications
 University of Florida – Traffic Lab Renovations
 UF Project # MP04134
 Brasfield & Gorrie will be accepting qualifications for the above referenced project. The scope includes the renovation to the existing Traffic Lab Building #0183. All interested parties are requested to respond.
 Request for documents and other inquiries should be directed to Chad Ellis via email at chellis@brasfieldgorrie.com or by phone at (904)256-6832.
 Project Summary: The project is renovation to the existing Traffic Lab located at 571 Gale Lemerand Drive, Gainesville FL, 32611.
 The work includes demolition, concrete patching, masonry, misc. steel, millwork, waterproofing, roofing patch, doors, glass, drywall, flooring, painting, Div 10, window treatments & MEP’s.
 Brasfield & Gorrie, 4601 Touchton Road, Bldg. 300, Suite 3190, Jacksonville, FL 32246, Attn: Chad Ellis

Section XII Miscellaneous

DEPARTMENT OF STATE
 Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, March 4, 2022 and 3:00 p.m., Thursday, March 10, 2022.

Rule No.	File Date	Effective Date
1T-1.001	3/7/2022	3/27/2022
1T-1.036	3/7/2022	3/27/2022
1T-1.039	3/7/2022	3/27/2022
1T-1.040	3/7/2022	3/27/2022
1T-1.042	3/7/2022	3/27/2022
33-203.201	3/9/2022	3/29/2022

62-210.310	3/7/2022	3/27/2022
62-210.700	3/7/2022	3/27/2022
65CER22-1	3/9/2022	3/9/2022
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
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	**/**/****
69L-7.020	10/22/2021	**/**/****

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

EXEMPTION

The Agency for Health Care Administration approved the following exemption on March 10, 2022 pursuant to subsection 408.036(3), Florida Statutes:

ID # E220002 District: 9-4 (Palm Beach County)

Facility/Project: Harbour’s Edge

Applicant: Lifespace Communities, Inc.

Project Description: Transfer 16 community nursing home beds from Abbey Delray South to Harbour’s Edge

Proposed Project Cost: \$2,000

**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.