

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

**RULE NO.:**       **RULE TITLE:**  
 64B9-3.002       Qualifications for Examination  
**PURPOSE AND EFFECT:** The Board proposes a rule amendment to clarify language regarding test scores.  
**SUBJECT AREA TO BE ADDRESSED:** Qualifications for Examination.  
**RULEMAKING AUTHORITY:** 456.013, 464.006 FS.  
**LAW IMPLEMENTED:** 456.013, 456.0135, 464.0195(3), 456.0635, 464.008, 464.0095, art.III(3)(d), 464.014  
**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:** Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; MQA.Nursing@flhealth.gov.  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Nursing**

**RULE NO.:**       **RULE TITLE:**  
 64B9-8.006       Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances  
**PURPOSE AND EFFECT:** The Board proposes a rule amendment to update penalties.  
**SUBJECT AREA TO BE ADDRESSED:** Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.  
**RULEMAKING AUTHORITY:** 456.072, 456.079 FS.  
**LAW IMPLEMENTED:** 456.072, 456.079, 464.018 FS.  
**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:** Joe R.

Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; MQA.Nursing@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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NO.:**       **RULE TITLE:**  
 62-304.610       Hillsborough River Basin TMDLs  
**PURPOSE AND EFFECT:** The purpose of these rules is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for certain waters impaired for nutrients in the Hillsborough River Basin. Furthermore, in accordance with paragraph 62-302.531(2)(a), F.A.C., the nutrient TMDLs for Lake Valrico will constitute site specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(48)(b), F.A.C., that will supersede the otherwise applicable numeric nutrient criteria in subsection 62-302.531(2), F.A.C., for these surface water segments.  
**SUMMARY:** These TMDLs address certain nutrient impairments in the Hillsborough River Basin. Specifically, the nutrient TMDL rules being proposed for adoption are for Lake Valrico (WBID 1574A). This waterbody was verified for nutrient impairment using the methodology established in Chapter 62-303, F.A.C. This rulemaking has been given OGC case number 22-2552.  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**  
 The Agency has determined that this will 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 been prepared by the Agency.  
 The SERC estimates that there will be total costs after implementation of the rules of \$682,876 per year. The majority of these costs are expected to be borne by governmental and agricultural entities in the watershed.  
 Pursuant to paragraph 403.067(6)(c), Florida Statutes, the proposed rules do not require legislative ratification.  
 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:** 403.061, 403.067 FS.  
**LAW IMPLEMENTED:** 403.061, 403.062, 403.067 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 14, 2023, 1:30 p.m.

PLACE: Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, Tallahassee, Florida

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: Ansel Bubel, (850)245-8072. 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: Kevin O'Donnell, Division of Environmental Assessment and Restoration, Water Quality Evaluation and TMDL Program, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8469.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.610 Hillsborough River Basin TMDLs.

(1) through (12) No change.

(13) Lake Valrico. The nutrient TMDLs for Lake Valrico are seven-year averages of annual loads of 2,317 kg/yr of TN and 90 kg/yr of TP, which are intended to achieve the applicable AGM chlorophyll a criterion for low-color, high-alkalinity lakes, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 29% reduction of TN (calculated from 3,259 kg/yr) and a 78% reduction of TP (calculated from 418 kg/yr), based on the highest seven-year average load from the 2011 – 2020 period; and

(c) The LA for nonpoint sources is a 29% reduction of TN (calculated from 3,259 kg/yr) and a 78% reduction of TP (calculated from 418 kg/yr), based on the highest seven-year average load from the 2011 – 2020 period.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 12-22-04, Amended 7-7-10, 6-7-13, 7-23-19, 5-9-21, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kimberly Shugar, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 27, 2022

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

#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-28.140 Record Maintenance Systems for All Pharmacy Permits  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 48 No. 202, October 17, 2022 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board voted at the duly-noticed public board meeting held February 9, 2023, in Kissimmee, Florida, to amend the rule. The rule shall now read as follows:

64B16-28.140 Record Maintenance Systems for All Pharmacy Permits.

(1) Requirements for records maintained in a data processing system.

(a) The pharmacy must comply with the provisions of 21 C.F.R. Section 1304.04 (a regulation of the Federal Drug Enforcement Administration), which is hereby incorporated by reference as of June 28, 2021 ~~March 1, 1998~~, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-> when such is applicable to operate such a data processing system if any controlled substances (as that term is used in Chapter 893, F.S.) are dispensed from the pharmacy.

(b) Any pharmacy using a data processing system must meet the requirements of 21 C.F.R. Section 1306.22, which is hereby incorporated by reference as of March 31, 2010 ~~1, 1998~~ and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref->.

(c) through (g) No change.

(h) Loss of Data. The prescription department manager shall report to the Board in writing any ~~significant~~ loss of information from the data processing system within 10 days of discovery of the loss.

(2) All transfers of prescriptions must be strictly in accordance with the provisions of Section 465.026, F.S., ~~and Rule 64B16-27.105, F.A.C.~~

(3) through (6) No change.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.003(14), 465.022, 465.026, 465.035, 893.07 FS. History—New 3-16-94, Formerly 61F10-28.140, Amended 3-12-97, 6-4-97, Formerly 59X-28.140, Amended 10-29-97, 6-15-98, 11-11-98, 10-15-01, 3-24-14.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Traci Zeh, Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254; Traci.Zeh@flhealth.gov.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER23-25  
 RULE TITLE: Game Number 1531, MONOPOLY™ SECRET VAULT

SUMMARY OF THE RULE: This emergency rule describes Game Number 1531, “MONOPOLY™ SECRET VAULT,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning; value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Minerva Simpson, Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THIS EMERGENCY RULE IS:

53ER23-25 Game Number 1531, MONOPOLY™ SECRET VAULT.

(1) Name of Game. Game Number 1531, MONOPOLY™ SECRET VAULT.

(2) Game Number 1531, MONOPOLY SECRET VAULT is a Scratch-Off lottery game (also known as an instant lottery game).

(3) Price. MONOPOLY SECRET VAULT lottery tickets sell for \$3.00 per ticket.

(4) MONOPOLY SECRET VAULT lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONOPOLY SECRET VAULT lottery ticket, the ticket must meet the applicable requirements of Rule 53ER23-20, Payment of Prizes, F.A.C.

(5) The play symbols that may appear in the YOUR LOCK NUMBERS play area or in any of the LOCK NO. 1, 2, 3, 4, or 5 play areas are:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15  
 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30  
 31 32 33 34 35 36 37 38 39

(6) The prize symbols and prize symbol captions that may appear in the LOCK NO. 1, 2, 3, 4, or 5 PRIZE boxes are:

\$3.00 \$5.00 \$10.00 \$15.00 \$25.00 \$30.00 \$40.00 \$50.00 \$75.00  
THREE FIVE TEN FIFTEEN TWENTY FIVE THIRTY FORTY FIFTY SEVENTY FIVE  
 \$100 \$200 \$250 \$300 \$500 \$1,000 \$5,000 \$10,000 \$25,000 \$100,000  
ONE HUNDRED TWO HUNDRED TWO HUNDRED FIFTY THREE HUNDRED FIVE HUNDRED ONE THOUSAND FIVE THOUSAND TEN THOUSAND TWENTY FIVE THOUSAND ONE HUNDRED THOUSAND

(7) The fixed symbols are:



LOCK NO. 1    LOCK NO. 2    LOCK NO. 3    LOCK NO. 4    LOCK NO. 5

(8) Determination of Prizewinners.

(a) There are five (5) LOCK play areas on a ticket (LOCK NO. 1, 2, 3, 4, and 5). Each LOCK is played separately. LOCK play symbols from one LOCK cannot be applied to another LOCK. A LOCK Prize from one LOCK cannot be applied to another LOCK. There are five (5) play symbols in each LOCK. If five (5) of YOUR LOCK NUMBERS match all five numbers in a LOCK, the player shall be entitled the Prize shown in the PRIZE box that is associated with that LOCK.

(b) A player may win up to five (5) times on a ticket.

(9) The odds of winning, value, and number of prizes in Game Number 1531 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 114.21 POOLS OF 180,000 TICKETS PER POOL
\$3	\$3	8.33	2,467,351
\$5	\$5	16.67	1,233,210
\$3 + \$5	\$8	33.34	616,624
\$5 x 2	\$10	166.65	123,353
\$10	\$10	249.83	82,284
\$5 + \$10	\$15	250.28	82,138
\$5 x 3	\$15	100.00	205,572
\$5 x 5	\$25	500.22	41,096
(\$10 x 2) + \$5	\$25	501.02	41,031
\$25	\$25	500.22	41,096
\$30	\$30	249.55	82,376
(\$10 x 3) + (\$5 x 2)	\$40	1,122.73	18,310
(\$15 x 2) + (\$5 x 2)	\$40	1,126.61	18,247
\$25 + \$15	\$40	1,124.70	18,278
\$40	\$40	1,126.61	18,247
(\$15 x 3) + \$5	\$50	3,012.04	6,825
(\$15 x 2) + (\$10 x 2)	\$50	3,005.00	6,841
\$25 x 2	\$50	3,001.05	6,850

(\$5 x 4) + \$30	\$50	2,994.06	6.866
\$50	\$50	2,996.24	6.861
\$15 x 5	\$75	6,009.12	3.421
(\$10 x 2) + \$50 + \$5	\$75	5,979.41	3.438
\$50 + \$25	\$75	6,009.12	3.421
\$75	\$75	6,019.68	3.415
\$25 x 4	\$100	3,592.03	5.723
\$50 x 2	\$100	3,603.37	5.705
(\$10 x 2) + \$75 + \$5	\$100	3,628.17	5.666
\$100	\$100	3,606.53	5.700
\$100 + \$50	\$150	17,783.04	1.156
\$50 x 4	\$200	35,080.55	586
\$200	\$200	35,939.16	572
(\$100 x 2) + (\$25 x 2)	\$250	36,128.65	569
\$250	\$250	36,513.68	563
(\$50 x 4) + \$100	\$300	87,851.28	234
\$200 + \$100	\$300	89,769.43	229
\$300	\$300	91,365.33	225
\$100 x 5	\$500	58,903.15	349
(\$100 x 3) + \$200	\$500	59,759.30	344
\$250 x 2	\$500	59,586.09	345
\$500	\$500	59,586.09	345
\$250 x 4	\$1,000	192,123.36	107
\$500 x 2	\$1,000	181,922.12	113
\$1,000	\$1,000	180,326.32	114
\$1,000 x 5	\$5,000	180,326.32	114
\$5,000	\$5,000	181,922.12	113
\$10,000	\$10,000	856,550.00	24
\$25,000	\$25,000	1,284,825.00	16
\$100,000	\$100,000	2,569,650.00	8

(10) The overall odds of winning some prize in Game Number 1531 are 1 in 3.98. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sales or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Game Number 1531, the odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for MONOPOLY™ SECRET VAULT lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-18-23.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: May 18, 2023

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER23-26  
RULE TITLE: Game Number 5054, TRIPLE GOLDEN CHERRIES

SUMMARY OF THE RULE: This emergency rule describes Game Number 5054, “TRIPLE GOLDEN CHERRIES,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning; value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Minerva Simpson, Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THIS EMERGENCY RULE IS:

53ER23-26 Game Number 5054, TRIPLE GOLDEN CHERRIES.

(1) Name of Game. Game Number 5054, TRIPLE GOLDEN CHERRIES.

(2) Game Number 5054, TRIPLE GOLDEN CHERRIES is a Scratch-Off lottery game (also known as an instant lottery game).

(3) Price. TRIPLE GOLDEN CHERRIES lottery tickets sell for \$5.00 per ticket.

(4) TRIPLE GOLDEN CHERRIES lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning TRIPLE GOLDEN CHERRIES lottery ticket, the ticket must meet the applicable requirements of Rule 53ER23-20, Payment of Prizes, F.A.C.

(5) The play symbols and play symbol captions that may appear in the YOUR NUMBERS play area are:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVN	<b>12</b> TWELV	<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SEVTN	<b>18</b> EGHTN	<b>19</b> NINTN	<b>20</b> TWENTY
<b>21</b> TWYONE	<b>22</b> TWYTWO	<b>23</b> TWYTHR	<b>24</b> TWYFOR	<b>25</b> TWYFIV	<b>26</b> TWYSIX	<b>27</b> TWYSEV	<b>28</b> TWYEGT	<b>29</b> TWYNIN	<b>30</b> THRTY
<b>31</b> THONE	<b>32</b> THTTWO	<b>33</b> THTHR	<b>34</b> THFOR	<b>35</b> THFIV	<b>36</b> THSIX	<b>37</b> THSVN	<b>38</b> THEGT	<b>39</b> THNIN	<b>40</b> FORTY



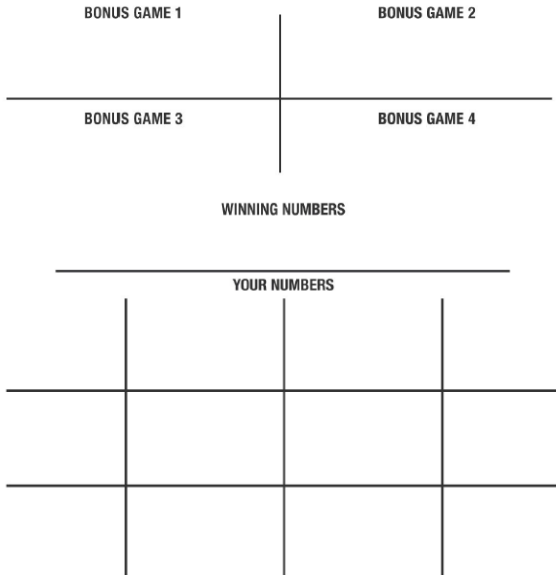
(6) The play symbols and play symbol captions that may appear in the WINNING NUMBERS play area are:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVEN	<b>12</b> TWELVE	<b>13</b> THIRTEEN	<b>14</b> FOURTEEN	<b>15</b> FIFTEEN	<b>16</b> SIXTEEN	<b>17</b> SEVENTEEN	<b>18</b> EIGHTEEN	<b>19</b> NINETEEN	<b>20</b> TWENTY
<b>21</b> TWENTYONE	<b>22</b> TWENTYTWO	<b>23</b> TWENTYTHREE	<b>24</b> TWENTYFOUR	<b>25</b> TWENTYFIVE	<b>26</b> TWENTYSIX	<b>27</b> TWENTYSEVEN	<b>28</b> TWENTYEIGHT	<b>29</b> TWENTYNINE	<b>30</b> THIRTY
<b>31</b> THIRTYONE	<b>32</b> THIRTYTWO	<b>33</b> THIRTYTHREE	<b>34</b> THIRTYFOUR	<b>35</b> THIRTYFIVE	<b>36</b> THIRTYSIX	<b>37</b> THIRTYSEVEN	<b>38</b> THIRTYEIGHT	<b>39</b> THIRTYNINE	<b>40</b> FORTY

(7) The prize symbols and prize symbol captions that may appear in the YOUR NUMBERS play area are:


<b>\$2.00</b> TWO	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN	<b>\$20.00</b> TWENTY	<b>\$50.00</b> FIFTY	<b>\$100</b> ONE HUN
<b>\$200</b> TWO HUN	<b>\$500</b> FIVE HUN	<b>\$1,000</b> ONE THOU	<b>\$10,000</b> TEN THOU	<b>\$500,000</b> FIVEHUNTHOU	


(8) The fixed symbols are:



(9) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the YOUR NUMBERS play area that matches a play symbol and corresponding play symbol caption in the WINNING NUMBERS play area shall entitle the prizewinner to the corresponding prize shown for that symbol.

A ticket having a  symbol and symbol caption in the YOUR NUMBERS Play Area shall entitle the player to three

(3) times the prize amount shown. A ticket having a  symbol and symbol caption in the YOUR NUMBERS Play Area shall entitle the player to ten (10) times the prize amount shown.

(b) BONUS GAMES. There are four (4) BONUS GAME play areas (1, 2, 3, and 4). Each BONUS GAME is played separately. PRIZE symbols and symbol captions from one BONUS GAME cannot be applied to another BONUS GAME. There are three (3) PRIZE symbols and symbol captions in each BONUS GAME. If all three (3) PRIZE symbols and symbol captions within a single BONUS GAME match, the player shall be entitled the PRIZE shown (a single PRIZE, not three times the PRIZE shown).

(c) A player may win up to sixteen (16) times on a ticket.

(10) The odds of winning, value, and number of prizes in Game Number 5054 are as follows:

GAME PLAY	BONUS	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 188.69 POOLS OF 120,000 TICKETS PER POOL
\$5		\$5	7.50	3,019,112
\$10		\$10	29.99	755,065
\$10 (BONUS)		\$10	29.99	754,969
\$2 x 5		\$10	30.00	754,698
\$20		\$20	100.03	226,367
\$10 + \$10 (BONUS)		\$20	99.98	226,473
\$5 (3X) + \$5 (BONUS)	\$5	\$20	150.23	150,728
\$2 (10X)		\$20	149.94	151,011
\$50		\$50	1,197.24	18,913
\$10 (3X) + (\$10 (BONUS) x 2)	\$10 x 2	\$50	1,197.05	18,916
\$50 (BONUS)	\$50	\$50	1,201.37	18,848
(\$10 x 3) + \$20 (BONUS)	\$20	\$50	1,000.94	22,622
\$5 (10X)		\$50	1,000.32	22,636
\$100		\$100	1,998.00	11,333
\$10 (10X)		\$100	2,404.01	9,419
\$50 + \$50 (BONUS)	\$50	\$100	2,399.17	9,438
(\$5 x 8) + \$20 (3X)		\$100	2,389.04	9,478
\$100 (BONUS)	\$100	\$100	2,999.52	7,549
\$10 x 10		\$100	2,396.88	9,447
\$50 + (\$10 x 5)		\$100	2,997.53	7,554
\$200		\$200	11,942.69	1,896
\$20 (10X)		\$200	24,063.06	941
\$100 + \$100 (BONUS)	\$100	\$200	19,810.45	1,143
\$20 x 10		\$200	15,015.48	1,508
\$50 (3X) + (\$20 (BONUS) x 2) + \$10 (BONUS)		\$200	15,015.48	1,508
\$200 (BONUS)	\$200	\$200	12,012.38	1,885
\$500		\$500	\$59,276	382
\$50 (10X)		\$500	\$11,987	1,889
\$100 (3X) + \$ 200 (BONUS)	\$200	\$500	\$12,006	1,886
\$100 x 5		\$500	\$24,114	939
\$50 x 10		\$500	\$15,075	1,502
(\$100 x 2) + (\$50 x 4) + \$20 (3X) + (\$20 (BONUS) x 2)	\$20 x 2	\$500	\$11,905	1,902

(\$20 x 10) + (\$50 x 2) + (\$50 (BONUS) x 4)	\$50 x 4	\$500	\$14,966	1,513
(\$20 x 5) + (\$50 x 6) + \$100		\$500	\$60,382	375
\$1,000		\$1,000	40,798.81	555
\$500 + \$500 (BONUS)	\$500	\$1,000	38,509.08	588
(\$100 x 8) + (\$50 x 4)		\$1,000	40,362.46	561
\$100 (10X)		\$1,000	40,434.54	560
\$100 (3X) + (\$50 x 3) + (\$100 x 4) + \$50 (BONUS) + \$100 (BONUS)	\$50 + \$100	\$1,000	41,244.70	549
\$10,000		\$10,000	754,778.00	30
\$500 (10X) + \$100 (10X) + (\$100 (3X) x 5) + (\$1,000 x 2) + \$500 (BONUS)	\$500	\$10,000	905,733.60	25
\$500,000		\$500,000	2,264,334.00	10

(11) The overall odds of winning some prize in Game Number 5054 are 1 in 3.64. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sales or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Game Number 5054, the odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for TRIPLE GOLDEN CHERRIES lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-18-23.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: May 18, 2023

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER23-27  
RULE TITLE: Game Number 7026, FIRE AND DICE  
SUMMARY OF THE RULE: This emergency rule describes Game Number 7026, “FIRE AND DICE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning; value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Minerva Simpson, Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THIS EMERGENCY RULE IS:

53ER23-27 Game Number 7026, FIRE AND DICE.

(1) Name of Game. Game Number 7026, FIRE AND DICE.

(2) Game Number 7026, FIRE AND DICE is a Scratch-Off lottery game (also known as an instant lottery game).

(3) Price. FIRE AND DICE lottery tickets sell for \$1.00 per ticket.

(4) FIRE AND DICE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning FIRE AND DICE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER23-20, *Payment of Prizes, F.A.C.*


(5) The play symbols and play symbol captions that may appear in the Play Area are:





(6) The prize symbols and prize symbol captions that may appear in the Play Area are:



(7) Determination of Prizewinners.

(a) A ticket having a  SEVEN symbol and symbol caption in the Play Area shall entitle the player to the prize shown for that

 symbol. A ticket having an ELEVEN symbol and symbol caption in the Play Area shall entitle the player to two (2) times the prize

 symbol. A ticket having a FLAME symbol and symbol caption in the Play Area shall entitle the player to all six (6) prizes shown.

(b) A player may win up to three (3) times on a ticket.

(8) The odds of winning, value, and number of prizes in Game Number 7026 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 101.73 POOLS OF 120,000 TICKETS PER POOL
\$1.00	\$1.00	9.87	1,236,897
\$2.00	\$2.00	34.88	349,923
\$1.00 (2X)	\$2.00	33.34	366,134
\$4.00	\$4.00	125.07	97,601
\$2.00 (2X)	\$4.00	107.23	113,841
\$5.00	\$5.00	166.61	73,269
\$10.00	\$10.00	300.00	40,690
\$5.00 (2X)	\$10.00	300.00	40,690

\$15.00	\$15.00	300.00	40,690
WINALL: \$1.00x5 + \$10.00	\$15.00	249.77	48,872
\$20.00	\$20.00	499.73	24,427
\$10.00 (2X)	\$20.00	750.60	16,263
\$30.00	\$30.00	13,196.76	925
WINALL: \$5.00x6	\$30.00	6,707.14	1,820
\$15.00 (2X)	\$30.00	6,663.21	1,832
\$50.00	\$50.00	39,504.85	309
\$10.00 + \$20.00x2	\$50.00	17,513.63	697
WINALL: \$5.00x2 + \$10.00x4	\$50.00	9,820.60	1,243
\$100.00	\$100.00	40,420.53	302
\$50 (2X)	\$100.00	17,120.62	713
WINALL: \$10.00x2 + \$20.00x4	\$100.00	13,399.56	911
WINALL: \$10.00x3 + \$20.00x2 + \$30.00	\$100.00	13,297.39	918
\$200.00	\$200.00	116,257.14	105
\$100.00 (2X)	\$200.00	61,035.00	200
WINALL: \$20.00x5 + \$100.00	\$200.00	40,690.00	300
\$5,000.00	\$5,000.00	488,280.00	25

(9) The overall odds of winning some prize in Game Number 7026 are 1 in 4.96. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sales or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Game Number 7026, the odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) Payment of prizes for FIRE AND DICE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-18-23.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 18, 2023

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER23-28  
 RULE TITLE: Game Number 7027, FAST \$200s  
 SUMMARY OF THE RULE: This emergency rule describes Game Number 7027, “FAST \$200s,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning; value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Minerva Simpson, Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THIS EMERGENCY RULE IS:

53ER23-28 Game Number 7027, FAST \$200s.

(1) Name of Game. Game Number 7027, FAST \$200s.

(2) Game Number 7027, FAST \$200s is a Scratch-Off lottery game (also known as an instant lottery game).

(3) Price. FAST \$200s lottery tickets sell for \$2.00 per ticket.

(4) FAST \$200s lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning FAST \$200s lottery ticket, the ticket must meet the applicable requirements of Rule 53ER23-20, *Payment of Prizes, F.A.C.*

(5) The play symbols and play symbol captions that may appear in the YOUR NUMBERS play area are:



(6) The play symbols and play symbol captions that may appear in the WINNING NUMBERS play area are:



(7) The prize symbols and prize symbol captions that may appear in the YOUR NUMBERS play area are:



(8) The play symbols and play symbol captions that may appear in the FAST \$10 Play Area are:



(9) The play symbols and play symbol captions that may appear in the FAST \$20 Play Area are:




(10) The fixed symbols are:





(11) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the YOUR NUMBERS play area that matches a play symbol and corresponding play symbol caption in the WINNING NUMBERS play area shall entitle the player to the corresponding prize shown for that symbol. A ticket

having a symbol and symbol caption in the YOUR

NUMBERS Play Area shall entitle the player to a \$200 cash prize. A ticket having a  symbol and symbol caption in the YOUR NUMBERS Play Area shall entitle the player to all ten (10) prizes shown.

(b) FAST \$10 and FAST \$20 Play Areas. A ticket having a  symbol and symbol caption in the FAST \$10 Play Area shall entitle the player to a \$10 cash prize. A ticket having a  symbol and symbol caption in the FAST \$20 Play Area shall entitle the player to a \$20 cash prize.

(c) A player may win up to twelve (12) times on a ticket.

(12) The odds of winning, value, and number of prizes in Game Number 7027 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 79.50 POOLS OF 180,000 TICKETS PER POOL
\$2.00	\$2.00	10.27	1,393,028
\$4.00	\$4.00	17.44	820,541
\$2.00 x2	\$4.00	57.70	248,005
\$5.00	\$5.00	83.34	171,714
\$10.00	\$10.00	150.00	95,404
\$5.00 x2	\$10.00	150.00	95,404
Fast \$10.00	\$10.00	150.00	95,404
\$15.00	\$15.00	187.51	76,321
\$5.00 x3	\$15.00	187.58	76,291
\$20.00	\$20.00	187.58	76,291
WINALL: \$2.00 x10	\$20.00	187.57	76,296
Fast \$20.00	\$20.00	374.42	38,221
\$50.00	\$50.00	325,240.91	44
WINALL: \$5.00x10	\$50.00	88,885.71	161
\$5.00 x4 + Fast \$10.00 + Fast \$20.00	\$50.00	183,469.23	78
\$100.00	\$100.00	366,938.46	39
WINALL: \$10.00x10	\$100.00	124,440.00	115
\$20.00 x4 + Fast \$20.00	\$100.00	183,469.23	78
\$10.00 x9 + Fast \$10.00	\$100.00	176,674.07	81
STAR: \$200.00	\$200.00	3,221.66	4,442
WINALL: \$5.00x6 + \$10.00x2 + \$50.00 + \$100.00	\$200.00	181,146.84	79
\$500.00	\$500.00	357,765.00	40
\$10.00x2 + \$50.00 x7 + \$100.00 + Fast \$10.00 + Fast \$20.00	\$500.00	318,013.33	45
\$50.00 x2 + \$200.00 (STAR) x2	\$500.00	376,594.74	38
WINALL: \$20.00x5 + \$50.00x2 + \$100.00x3	\$500.00	349,039.02	41
\$50,000.00	\$50,000.00	366,938.46	39

(13) The overall odds of winning some prize in Game Number 7027 are 1 in 4.38. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sales or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(14) For reorders of Game Number 7027, the odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(15) Payment of prizes for FAST \$200s lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-18-23.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: May 18, 2023

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

AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid

RULE NO.: RULE TITLE:

59G-13.088 Consumer-Directed Care Plus Program

NOTICE IS HEREBY GIVEN that on May 10, 2023, the Agency for Health Care Administration, received a petition for Variance from or Waiver of Rule 59G-13.088 (“Petition”), was filed with the Agency for Health Care Administration on behalf of the Petitioner, J.B. Rule 59G-13.088, Florida Administrative Code (“Rule”), applies to all providers rendering Florida Medicaid Developmental Disabilities Individual Budgeting Waiver (iBudget) services to recipients, requires that all providers of iBudget services enrolled in the Florida Medicaid program be in compliance with the provisions of the Florida Medicaid Consumer-Directed Care Plus Program Coverage, Limitations and Reimbursement Handbook, October 2015. (“Handbook”). Petitioner seeks a variance from or waiver of limited provisions of the Rule, which incorporates the Handbook by reference. Petitioner seeks a variance from or waiver of the Handbook provision, page 51 of chapter 4, in the APD, Consumer-Directed Care Plus Program Coverage, Limitations and Reimbursement Handbook, which states that “Van adaptation includes lifts, tie downs, raised roof or doors in a family owned or individually owned full-size van”. It also states “The conversion of mini-vans is limited to the same modifications, but excludes the cost to modify the frame (lower the floor) to accommodate a lift”.

Interested persons or agencies may submit written comments on the Petition within fourteen (14) days after publication of this notice. To submit written comments or request a copy of



the Petition, please contact: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308; Richard.Shoop@ahca.myflorida.com; (850)412-3689.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308; Richard.Shoop@ahca.myflorida.com, (850)412-3689.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on May 18, 2023, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from Funky Fresh Tee’s LLC located in Clermont. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and 3-compartment sinks.

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-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on May 18, 2023, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2017 FDA Food Code from Tiara Condominium Association Inc. located in Riviera Beach. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize bathrooms located on a different level.

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 on or 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 HEALTH**

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-16.004 Termination of Apprenticeship

NOTICE IS HEREBY GIVEN that on May 18, 2023, the Board of Opticianry, received a petition for variance and waiver filed by Katelyn Jones. Petitioner seeks a variance or waiver of Rule 64B12-16.004, F.A.C., which requires the apprentice to submit Form DH-MQA 1063 within 30 days if an apprentice terminates a sponsorship with a sponsor upon completion of the program hours, or the sponsor is no longer providing training to an apprentice. Comments on this petition should be filed with the Board of Opticianry, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ashleigh Irving, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: RULE TITLE:

67-48.002 Definitions

NOTICE IS HEREBY GIVEN that on May 17, 2023, the Florida Housing Finance Corporation, received a petition for waiver from subsection 67-48.002(96), Florida Administrative Code and the 2021 Qualified Allocation Plan’s Requirement for Returning Housing Credit Allocations from Pinnacle at La Cabana, LLLP, waiving the provisions that prohibit Petitioner from returning Housing Credit Allocations prior to the third quarter of 2024; allowing the immediate return of Petitioner’s 2022 Housing Credit Allocation; and allocating new Housing Credits to Petition with a later placed in service date, in an amount equal to the amount of its 2022 Housing Credit Allocation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The Petition has also been posted on Florida Housing’s website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on

or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-48.0072 Credit Underwriting and Loan Procedures

NOTICE IS HEREBY GIVEN that on May 18, 2023, the Florida Housing Finance Corporation, received a petition for waiver from subsection 67-48.0072(26), Florida Administrative Code (6/23/20) from Blue CASL Dade, LLC for an additional extension of the closing deadline from May 30, 2023 to August 28, 2023.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The Petition has also been posted on Florida Housing’s website at [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

**DEPARTMENT OF FINANCIAL SERVICES**

Division of Funeral, Cemetery, and Consumer Services

**RULE NO.: RULE TITLE:**

69K-18.004 Intern Training Agencies.

NOTICE IS HEREBY GIVEN that on May 08, 2023, the Division of Funeral, Cemetery, and Consumer Services, received a petition for waiver of certain requirements of subsection 69K-18.004(3), FAC. The petitions were filed on behalf of Capstone Funeral Holdings of FL LLC (Capstone), which is acquiring a funeral establishment that is currently a training agency. Capstone seeks a waiver such that the number of cases done by the prior owner of the funeral establishment should count against the requirement of the cited rule, so that the training agency status of the funeral establishment may be continued, thus preventing the imposition of serious hardship to the interns currently training at the said funeral establishment. A copy of the Petition for Variance or Waiver may be obtained by contacting: Jasmin Richardson at 850-413-3039.

**Section VI**

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

**REGIONAL PLANNING COUNCILS**

**Northeast Florida Regional Planning Council**

The Northeast Florida Regional Council announces a public meeting to which all persons are invited.

DATE AND TIMES: June 1, 2023, 9:00 a.m. Personnel, Budget & Finance Committee; 10:00 a.m. Board of Directors; 12:00 p.m. Affordable Housing Committee.

PLACE: 100 Festival Park Avenue, Jacksonville, FL 32202.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: 904-279-0880.

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: 904-279-0880. 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).

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 5, 2023, 9:30 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District’s Governing Board authorized contract negotiations to proceed with the top-ranked firm for Request for Proposals 38510, Annual Independent Financial Auditing Services. Negotiations will begin on Monday, June 5, 2023, at 9:30 a.m. as referenced above (this portion of the public meeting may be closed pursuant to §286.0113, Fla. Stat.).

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention Kendall Matott or Wendy Cox, 4049 Reid Street, Palatka, FL 32177, or by phone at 386- 312-2324 (Kendall) or 386-329-4118 (Wendy).

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: District Clerk at (386) 329-4500. 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). 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 Florida Board of Medicine’s Rules/Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATED) Thursday, June 1, 2023, 2:30 p.m., EDT, or soon thereafter.

PLACE: The Westshore Grand, A Tribute Portfolio Hotel, 4860 W. Kennedy Blvd., Tampa, Florida 33609. The hotel’s phone number is (813)286-4400. The hotel’s website is <https://westshoregrand.com/>. The public rate is \$133 per night.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board’s website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131. 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: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

The Florida Boards of Medicine and Osteopathic Medicine’s Joint Surgical Care/Quality Assurance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATED) Thursday, June 1, 2023, 1:30 p.m., EDT, or soon thereafter.

PLACE: The Westshore Grand, A Tribute Portfolio Hotel, 4860 W. Kennedy Blvd., Tampa, Florida 33609. The hotel’s phone number is (813)286-4400. The hotel’s website is <https://westshoregrand.com/>. The public rate is \$133 per night.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board’s website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131. 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: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

The Florida Boards of Medicine and Osteopathic Medicine’s Joint Rules/Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 1, 2023, 2:45 p.m., EDT, or soon thereafter.

PLACE: The Westshore Grand, A Tribute Portfolio Hotel, 4860 W. Kennedy Blvd., Tampa, Florida 33609. The hotel’s phone number is (813)286-4400. The hotel’s website is <https://westshoregrand.com/>. The public rate is \$133 per night.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board’s website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131. 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: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131.

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**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

The Florida Boards of Osteopathic Medicine and Medicine's Joint Surgical Care/Quality Assurance Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, June 1, 2023, 1:30 p.m., EDT, or soon thereafter.

**PLACE:** The Westshore Grand, A Tribute Portfolio Hotel, 4860 W. Kennedy Blvd., Tampa, Florida 33609. The hotel's phone number is (813)286-4400. The hotel's website is <https://westshoregrand.com/>. The public rate is \$133 per night.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board's website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131. 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: the Board at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131.

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**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

The Florida Boards of Osteopathic Medicine and Medicine's Joint Rules/Legislative Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, June 1, 2023, 2:45 p.m., EDT, or soon thereafter.

**PLACE:** The Westshore Grand, A Tribute Portfolio Hotel, 4860 W. Kennedy Blvd., Tampa, Florida 33609. The hotel's phone number is (813)286-4400. The hotel's website is <https://westshoregrand.com/>. The public rate is \$133 per night.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business of the Committee. Committee meetings may be canceled prior to the meeting date. Please check the Board's website at <https://flboardofmedicine.gov/meeting-information> for cancellations or changes to the meeting date or time or call the Board at (850)245-4131 for more information.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: the Board by email at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131. 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: the Board at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or by calling the Board at (850)245-4131.

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**DEPARTMENT OF CHILDREN AND FAMILIES**

**Refugee Services**

The Orlando Area Refugee Task Force announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, June 14, 2023, 10:00 a.m. – 12:00 p.m.

**PLACE:** Meeting will take place via the Microsoft Teams. Use the below link to connect to the meeting:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NWRjNzAzMTgtZjdjZS00MThmLWJiZGEtMWNmNzc2ZGNmMDE1%40thread.v2/0?context=%7b%22Tid%22%3a%22f70dba48-b283-4c57-8831-cb411445a94c%22%2c%22Oid%22%3a%224c7ac74e-0835-4242-a8cf-f26976fc1c32%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWRjNzAzMTgtZjdjZS00MThmLWJiZGEtMWNmNzc2ZGNmMDE1%40thread.v2/0?context=%7b%22Tid%22%3a%22f70dba48-b283-4c57-8831-cb411445a94c%22%2c%22Oid%22%3a%224c7ac74e-0835-4242-a8cf-f26976fc1c32%22%7d)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the Orlando Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: David Draper at (407) 317-7335 or Rosa Chaves at (407) 317-7336.

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: David Draper at (407) 317-7335 or Rosa Chaves at (407) 317-7336. 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: David Draper at (407) 317-7335 or Rosa Chaves at (407) 317-7336.

**NORTHEAST FLORIDA AREA AGENCY ON AGING**

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

DATE AND TIME: May 19, 2023, 10:00 a.m.

PLACE: Westminster Woods on Julington Creek, 25 State Rd. 13, Fruit Cove, FL 32259.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business

A copy of the agenda may be obtained by contacting: Jessica.delrio@myeldersource.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: 9043916613. 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: Jessica.delrio@myeldersource.org

**AREA AGENCY ON AGING OF PALM BEACH/TREASURE COAST, INC.**

The Area Agency on Aging of Palm Beach Treasure Coast Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: May 30, 2023, 8:30 a.m.

PLACE: Area Agency on Aging, 4400 North Congress Avenue, West Palm Beach, FL 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agency Business.

A copy of the agenda may be obtained by contacting: Dwight Chenette, DChenette@aaapbtc.org, 561-684-5885.

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: 561-684-5885. 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: DChenette@aaapbtc.org, 561-684-5885.

**FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC**

The FWCJUA Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2023, 10:00 a.m., (ET)

PLACE: Hyatt Regency, Orlando International Airport located at 9300 Jeff Fuqua Boulevard, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The approval of minutes; board appointment process; service recognition; legal, legislative & regulatory matters; financial and operations reports; and committee reports on actuarial services engagement; return of premium dividend; Operations Manual; review of rates, rating plans & policy forms and associated matters to include application forms; executive compensation matters; financial auditing services engagement; 2022 financial audit; update on federal tax matters; Audit Committee Charter procedures checklist; two service provider engagement extensions; office; disaster recovery matters; 2022 Annual Report; 2023 Cause of Loss & Safety Program Analysis; Agency Producer Agreement; agency producer termination, suspension or revocation; agency authorization process; agency producer fees; agency producer activities; Market Assistance Plan; Investment Committee 2023-2024 meeting schedule; investment marketplace update; portfolio compliance review; investment policy & guidelines review; and investment manager performance.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

**Section VII**

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

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that Department of Financial Services, Division of Insurance Agent and Agency Services has received the petition for declaratory statement from Scott David Thomas on 5/17/2023. The petition seeks the agency's opinion as to the applicability of Fla. Stat. §626.854(1), §626.855 and Florida's Insurance Code as it applies to the petitioner.

A. Are unlicensed individuals who work as appraisers compliant with Fla. Stat. §626.854(1), Fla. Stat. §626.855 and Florida's Insurance Code. B. Whether Petitioner, if prohibited from public adjusting is also prohibited from working as an appraiser and/or as damage loss consultant expert under Fla. Stat. §626.854(1) and §626.855 and Florida's Insurance Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Sarah Marcos, Office of the General Counsel, (850) 413-4229, Sarah.Marcos@myfloridacfo.com

**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**

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY  
 REQUEST FOR BIDS # 2023-007  
 Airline Ticket Office and Baggage Handling System Expansion – Phase 1  
 and Central Energy Plant Replacement Project  
 Gainesville Regional Airport  
 The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed bids for the “Airline Ticket Office and Baggage Handling System Expansion – Phase 1” and “Central Energy Plant Replacement” project.

The “Airline Ticket Office and Baggage Handling System Expansion – Phase 1” work shall include the renovation and expansion of the Airline Ticket Offices (ATO) and the construction of a new outbound Baggage Handling System (BHS). The BHS work will consist of ticket counter conveyors, transport conveyors, a slope-plate make-up unit, and maintenance catwalk. The ATO work will include renovation and new construction of walls, ceilings, flooring, finishes, millwork, plumbing, mechanical HVAC, electrical, access control, CCTV, and a structural steel canopy with an exterior metal framed, perforated tensioned fabric screening system to cover the new BHS and related work. The project also includes site work that will include clearing and grubbing, miscellaneous demolition, new concrete foundations and slabs, asphalt road construction, site lighting, drainage, excavation and embankment, pavement marking, fencing, site access control, site CCTV, landscaping/irrigation, a temporary office trailer, a backup generator and related work.

The “Central Energy Plant Replacement” work shall include the replacement of two (2) air-cooled chillers, primary and secondary chilled water pumps, and HVAC controls modifications. The existing hot water heating system boiler shall be replaced with two (2) high efficiency condensing boilers. The hot water distribution pumps will be replaced with variable speed pumps to match the increased capacity of the boilers.

Complete sets of bid documents will be available beginning at 5:00 p.m. on Monday, May 22, 2023, at the office of: AECOM, 7650 W. Courtney Campbell Causeway, Tampa, Florida 33607, 813.636.2139, Attn: Diane Kline, diane.kline@aecom.com

There will be no charge to obtain a set of the bid documents. Printed copies of documents will not be made available. PDF project plans and specification files, either on CD or sent via File Transfer will be made available.

A non-mandatory Pre-Bid conference will be held on Wednesday, May 31, 10:00 a.m. at the Gainesville Regional Airport, Passenger Terminal, 3880 N.E. 39th Avenue, Gainesville, Florida 32609. Attendance by all prospective bidders is recommended since the project occurs in a secured part of the airport and a security escort is required for a site visit. An escorted site visit of the project areas will be conducted as part of the pre-bid conference. Additional site visits will be arranged after the pre-bid meeting. The meeting will be held in person and/or as a Teams meeting for anyone who wishes to attend virtually. Contact Bill Prange prior to May 30, 2023 to receive the Teams meeting invitation, bill.prange@aecom.com. Bids must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked: "Project No. 2023-007 Airline Ticket Office and Baggage Handling System Expansion – Phase 1” and “Central Energy Plant Replacement”

and mailed or delivered to the Authority's Administrative Office, Gainesville Regional Airport, Attn: Chief Executive Officer, 3880 N.E. 39th Avenue, Suite A, Gainesville, Florida 32609.

Bids are due at 3:00 p.m. Wednesday, July 12, 2023, and will be publicly opened at this time. The official clock is located in the Authority's Administrative Office. Bids received after 3:00 p.m., Wednesday, July 12, 2023, will not be considered.

Disadvantaged Business Enterprise (DBE) firms are encouraged to participate. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

GACRAA reserves the right to reject any or all bids received in response to this Request for Bids as determined to be in the best interest of the Airport.

For additional information, contact Bill Prange, AECOM at (386) 898-2298 or bill.prange@aecom.com.

**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, May 12, 2023 and 3:00 p.m., Thursday, May 18, 2023.

Rule No.	File Date	Effective Date
12AER22-5 (renewal)	5/17/2023	5/9/2023
12AER22-6 (renewal)	5/17/2023	5/9/2023
12AER22-7 (renewal)	5/17/2023	5/9/2023
25-17.0021	5/17/2023	6/6/2023
27P-2.002	5/15/2023	6/4/2023
27P-14.0045	5/15/2023	6/4/2023
27P-14.006	5/15/2023	6/4/2023
27P-14.007	5/15/2023	6/4/2023
27P-14.008	5/15/2023	6/4/2023
27P-14.010	5/15/2023	6/4/2023
53ER23-25	5/18/2023	5/18/2023
53ER23-26	5/18/2023	5/18/2023
53ER23-27	5/18/2023	5/18/2023
53ER23-28	5/18/2023	5/18/2023
61E14-2.001	5/18/2023	6/7/2023

62-210.300	5/12/2023	6/1/2023
62-210.310	5/12/2023	6/1/2023
62-210.360	5/12/2023	6/1/2023
64B6-6.001	5/17/2023	6/6/2023
64B7-28.009	5/16/2023	6/5/2023
64B7-32.003	5/16/2023	6/5/2023
64B19-11.005	5/15/2023	6/4/2023
65C-30.019	5/16/2023	6/5/2023

**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
40C-4.091	3/31/2023	**/**/****
40C-41.043	3/31/2023	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-6.001	5/10/2022	**/**/****
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	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****
69L-7.020	10/22/2021	**/**/****
69L-7.730	4/6/2023	**/**/****
69L-7.740	4/6/2023	**/**/****

**STATE BOARD OF ADMINISTRATION**

Estimated Capacity

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida (the "Board") of the estimated borrowing capacity, estimated claims-paying capacity, and projected balance of the Florida Hurricane Catastrophe Fund (the "Fund") as of December 31, 2023, in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. These estimates relate to the 2023-2024 Reimbursement Contract Year. The projected year-end fund balance available

for reimbursement of participating insurers on December 31, 2023, is estimated to be \$3.7 billion, which represents the amount of assets available to pay claims resulting from Covered Events which may occur during the June 1, 2023 through May 31, 2024 Contract Year, not including any bond proceeds. The estimated claims-paying capacity consists of the estimated borrowing capacity and the projected year-end cash balance. Additional liquidity is provided by \$3.5 billion from Series 2020A pre-event bonds. The projected year-end fund balance of \$3.7 billion is net of losses and loss reserves from Hurricanes Irma (2017), Michael (2018), and Ian (2022) which the FHCF’s consulting actuary has estimated to be \$19.25 billion. For May 2023, based on an estimated borrowing capacity of \$8.6 billion, and \$3.7 billion projected year-end fund balance, the Fund’s total estimated claims-paying capacity over the next 12 months is \$12.3 billion, which is over 72% of its \$17 billion limit, on the Fund’s single-season obligations as specified by Section 215.555(4)(c)1., Florida Statutes, for the contract year. The borrowing capacity estimate is dependent on many factors, such as the credit rating of the debt, the amount of emergency assessments available for funding the debt, the limitations or constraints of the financial markets to absorb potential debt issuances, the time necessary to access such markets, and the existing level of interest rates at the time of issuance. Greater detail may be obtained in the May 17, 2023 Claims-Paying Capacity Estimates Report, which can be found on the Fund’s website at <https://fhcf.sbafla.com> under “Bonding Program.” The Board recognizes that its good faith estimates are being made while volatile global financial market conditions exist, and therefore, changing market conditions can dramatically impact the Fund’s actual claims-paying capacity either positively or negatively. Current conditions may or may not be the same if and when the Board determines that it is necessary to issue revenue bonds. Participating insurers that rely on these estimates should recognize the potential impact the financial markets can have on the Board’s claims-paying ability and plan accordingly.

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EXECUTIVE OFFICE OF THE GOVERNOR  
 Division of Emergency Management  
 Hazard Mitigation Grant Program Notice of Funding Availability  
**MEMORANDUM**  
 To: Local Governments, State and Regional Agencies, Indian Tribal Governments, Local Mitigation Strategy Working Groups, and Private Non-Profit Organizations Submitting Hazard Mitigation Grant Program Applications for Hurricane Nicole (DR-4680)  
 From: Kevin Guthrie, State Coordinating Officer  
 Subject: Hazard Mitigation Grant Program Notice of Funding Availability

Date: May 19, 2023

Program Summary

The Florida Division of Emergency Management (Division) is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declaration for Hurricane Nicole (FEMA 4680-DR-FL).

HMGP funding is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act. This funding helps communities implement measures to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division encourages all potential applicants to submit applications for projects that address eligible mitigation activities. The amount of HMGP funding available to the state is based on the total federal disaster assistance for the Presidential Disaster Declaration.

Current Changes

The Division will be using the FDEM Portal for the HMGP process. Applications are currently being accepted through the FDEM Portal and doing so does not require an additional hardcopy submission. Hardcopy applications are permitted pursuant to Chapter 27P-22, Florida Administrative Code; however, the Division highly encourages all applications to solely be uploaded through the FDEM Portal. If an applicant chooses to submit a hard copy of their application, a digital submission through the FDEM Portal is strongly advised as processing and project management will be done through this system.

If you have been granted access to the FDEM Portal for a past event, please use your existing account and do not re-register. If you have problems accessing your account, please use the FDEM Portal contact below.

Application Timeline

The application period will close October 20, 2023. The Division encourages potential applicants to submit complete applications before the close of the application period. Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice.

FDEM Portal Submission: If you have not already registered for access to the FDEM Portal, please see the instructions in Attachment H to do so. The information required for submitting a complete application through the FDEM Portal is the same as the State of Florida HMGP Application (Attachment F), which can be used as reference to collect all of the information necessary for your project prior to submittal. If an application is submitted through the FDEM Portal, no hardcopies will be required.

A complete digital submission of your applications, and all necessary supporting documentation, should be uploaded to the FDEM Portal no later than



October 20, 2023 11:59 p.m., (EDT)

It is imperative that your access request for the FDEM Portal is received by the Division no later than 5:00 p.m., EDT on October 20, 2023 in order to meet the application deadline.

Hardcopy Filing: If a hardcopy is filed, please provide just one original of the State of Florida HMGP Application and all appropriate attachments. In addition, submit your project(s) and all relevant documentation to the FDEM Portal using the directions detailed above and in Attachment H.

Any hardcopy applications sent by mail or other carrier to the Division must be postmarked on or before October 20, 2023. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m., EDT on October 20, 2023.

The HMGP application and all other pertinent resources for completing the application may be obtained at the Division’s website located at [www.floridadisaster.org/hmgp](http://www.floridadisaster.org/hmgp) in the section HMGP Application and Resources.

Questions regarding the FDEM Portal system may be directed to: Jared Jaworski, (850)544-8372, [Jared.jaworski@em.myflorida.com](mailto:Jared.jaworski@em.myflorida.com)

Any completed hardcopy applications must be sent to the following address: ATTN: Kathleen Marshall, Hazard Mitigation Grant Program, Florida Division of Emergency Management, Mitigation Bureau, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

**Minimum Program Eligibility**

Eligible Applicants: According to the Code of Federal Regulations (CFR) 44 §206.434(a), the following parties are eligible to apply for Hazard Mitigation Grant Program funds:

- State agencies
- Local governments who have an approved Local Mitigation Strategy (LMS) in accordance with 44 CFR §201.6, prior to receipt of HMGP subgrant funding for projects;
- Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in §206.221(e); and
- Indian tribes or authorized tribal organizations.

However, be advised that pursuant to Chapter 27P-22, Florida Administrative Code, all project applications must go through the Local Mitigation Strategy Working Group (LMSWG) of the county where the project will take place. Any application sent to the Division without a signed endorsement letter, from either the Chair or Vice-Chair of an LMSWG, will be denied.

Eligible Activities: Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed are not eligible for funding. Eligible projects include, but are not limited to, the following:

- Acquisition or relocation of hazard-prone structures;
- Retrofitting of existing buildings and facilities that will result in increased protection from hazards;

- Elevation of flood-prone structures;
- Infrastructure protection measures;
- Stormwater management improvements;
- Minor structure flood control;
- Flood diversion and storage;
- Aquifer storage and recovery;
- Floodplain and stream restoration;
- Residential and community safe room construction; and/or
- Generators for a critical facility, provided they are cost-effective, contributing to a long-term solution to the problem they are intended to address, and meet other project eligibility criteria as required by 44 CFR §206.434(c); or generators that are an integral part of a larger eligible project.

Ineligible Activities: The state will not consider funding requests for the following:

Construction of new facilities (Nevertheless, the cost associated with above-code upgrades to new facilities may be considered); Equipment such as emergency pumps, vehicles, and communication devices;

Stand-alone studies, design, and planning-related activities; Tree removal, debris removal, and other forms of maintenance; or

Projects already in progress (Construction may not begin until the contract between the State and subrecipient is executed and the project has met requirements of the National Environmental Policy Act).

Eligibility Criteria: All projects submitted must meet minimum criteria to be considered for funding. An eligible project must:

- Conform to the requirements stated in this Notice of Funding Availability;
- Conform to the Florida State Hazard Mitigation Plan and the respective community’s LMS;
- Conform to the funding priorities for the disaster, as established in the appropriate LMS;
- Demonstrate cost-effectiveness;
- Be technically feasible;
- Benefit the designated disaster area;
- Conform to all applicable environmental laws and regulations, as well as Executive Orders;
- Solve a problem independently or constitute a functional part of a solution;
- Benefit a National Flood Insurance Program (NFIP) participating community that is not on probation or suspended from the NFIP; and
- Meet all applicable State and local codes and standards.

**Cost-Share Requirements**

Under the HMGP, FEMA will contribute up to 75-percent of the total amount approved under the grant award to implement eligible, cost-effective mitigation measures. The applicant must provide the remaining 25-percent non-federal share. Contributions, cash, and in-kind services are acceptable as part of the non-federal share. Requirements for in-kind

contributions can be found in 2 CFR §200.306. In-kind contributions must be directly related to the eligible project cost and are those personnel, materials, equipment and supplies owned, controlled, and operated by the applicant or a third-party contributor.

Applicants may use the Global Match concept as part of the 25-percent non-federal share. Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to a similar type of project(s). These similar, non-federally funded projects must meet all of the HMGP eligibility requirements. This means that if Global Match is approved, the applicant may receive up to 100-percent federal share. Phased projects are not eligible for Global Match.

#### Pre-Award Costs

Prior to receiving a grant award, pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting, and other "soft" costs associated with a construction project. *Construction activities are not considered pre-award costs.* Pre-award costs must be requested, in writing, by submitting a signed Pre-award request form. Directions for getting this form are included in [Attachment A](#).

#### Procurement

Any procurement of property or services under a federal award must conform to 2 CFR §200 Subpart D (§§ 200.317 - 200.327). This also includes any activities performed as a part of the pre-award request.

#### Sub-Recipient Management Costs

Per FEMA Hazard Mitigation Grant Program Interim Policy 104-11-1, HMGP projects awarded under disasters, on or after the effective date, are eligible for sub-recipient management costs (SRMC) up to a hard cap of 5 percent of their eligible and actual project costs. SRMC is a separate pool of funding and will not be calculated as part of the benefit-cost analysis (BCA). SRMC will be reimbursed at a 100 percent federal cost share following the submission of compliant source documentation in conformance with 2 CFR 200 Subpart E. Additional information on SRMC can be found in the attached application ([Attachment F](#)) and the HMGP SRMC Request Form ([Attachment G](#)). Any applicant requesting SRMC will need to submit [Attachment G](#) along with their application.

#### County Funding Allocation

To ensure funds are distributed equitably, designated counties have been assigned a portion of the total HMGP grant. The amount is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) programs. Commitment of project funds by the Division is contingent upon receipt of appropriate Legislative Budget Authority.

These figures are shown in [Attachment B](#) and represent the estimated amount of HMGP funds currently available. HMGP funding is available only to those counties that have a current FEMA-approved LMS. Project applications will be considered only if:

- (1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and,
- (2) If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in [Attachment C](#).

The Division will attempt to fund each submitted project in priority order until the county's allocation has been exhausted. In accordance with Florida Administrative Code (F.A.C.) 27P-22.006, the Division uses the following tiered allocation system up until the State application deadline with FEMA:

#### *Tier 1*

The available HMGP funds are allocated to counties included in the relevant Presidential Disaster Declaration in proportion to each county's share of federal disaster funding from the Public Assistance (PA), Individual Assistance (IA), and Small Business Administration (SBA) Disaster Loan Program as of 120 days after a Disaster Declaration as reported by FEMA. Eligible projects submitted by each county included in the relevant Presidential Disaster Declaration will be funded in order of priority as outlined in the LMS until the allocated funds are exhausted or all eligible projects are funded.

#### *Tier 2*

Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant Presidential Disaster Declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in [Attachment D](#).

#### *Tier 3*

In the event funds remain after the Tier 1 and Tier 2 processes, any remaining funds will be offered on a statewide basis as described in [Attachment D](#).

Please see [Attachment D](#) for a detailed explanation of funding tiers.

#### Funding Availability and Notification

FEMA notifies the State of HMGP funding availability at the following milestones:

#### *Initial 30-Day Estimate*

This is an early estimate only and not an actual commitment of funding by FEMA. Funding may increase or decrease based on actual disaster claims during the declaration period. These estimates are provided for planning purposes and to jump-start the HMGP application process.

#### *Obligation prior to 12 Months*

Prior to the 12-month lock-in, FEMA will only obligate funds up to 75% of any current estimate. This is to eliminate the risk of over-obligating funds for any given disaster in the event the 12-month lock-in is lower than initially estimated.

#### *12 Months from the Date of Declaration*

This represents the State's Lock-in Amount. It is the maximum amount available the state can expect to receive from FEMA. In rare occurrences, FEMA may conduct a subsequent review 18 months after the declaration, but only at the request of the State. The estimate from that review may cause the final lock-in to fluctuate up or down depending on the findings.

It is important for potential applicants to recognize that HMGP funds are contingent upon FEMA's reexamination of the disaster figures at the given time intervals. A county's funding allocation can increase or decrease after application submission.

#### Technical Assistance

The Division is in the process of scheduling HMGP application development workshop webinars and will be in touch with these counties in the next few weeks to finalize dates and times. The webinars will focus on the declared counties so that their project-specific concerns can be addressed by state staff. The Division is in the process of scheduling these webinars and will be in touch with these counties in the next few weeks to finalize dates and times.

Please check the Division's website [www.floridadisaster.org/hmgp](http://www.floridadisaster.org/hmgp) for technical guidance. The Division will provide additional technical assistance throughout the application process. This includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

Program Eligibility: (850) 815-4537 or (850) 815-4503

Environmental: (850) 815-4582

Engineering and Technical Feasibility: (850) 528-5713

For additional information and technical assistance, please refer to FEMA's *Hazard Mitigation Assistance Guidance* document available at <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance/archive>.

To assist you in submitting qualified project applications, the following attachments are located on the Division website <https://www.floridadisaster.org/hmgp>.

[Attachment A: Pre-award Cost Guidance and Form](#)

[Attachment B: 30-day Estimate of Available HMGP Funding](#)

[Attachment C: Sample LMS Project Submission Letter](#)

[Attachment D: Florida Administrative Code 27P-22](#)

[Attachment E: Data Collection Worksheet Notice](#)

[Attachment F: HMGP Application](#)

[Attachment G: HMGP SRMC Request Form](#)

#### [Attachment H: FDEM Portal Access Request and Guidance](#)

### DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

DEO Final Order No. DEO-23-016

#### FINAL ORDER APPROVING CITY OF MARATHON

##### ORDINANCE NO. 2023-02

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Marathon (the "City"), Ordinance No. 2023-02 (the "Ordinance").

##### FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. The City is a local government within the Florida Keys Area.

2. The Ordinance was adopted by the City on March 14, 2023 and rendered to the Department on March 20, 2023.

3. The Ordinance amends Section 104.64 of the City's Land Development Code to modify the provisions regarding Water Access Structures to allow structures extending over mangrove, wetlands, or submerged lands to be up to eight feet wide if the structure is intended to provide for ADA compliance access and serves an educational or research function. The Ordinance also modifies provisions regarding Docking Facilities to prohibit covered boat lifts over submerged bottoms containing areas of protected living marine resources and to specify the maximum height of a covered boat lift is 20 feet about the mean high water line.

##### CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. *See* Section 380.05(6), Florida Statutes.

5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

6. The Ordinance is consistent with the City's Comprehensive Plan as required by Section 163.3177(1), Florida Statutes, generally, and is specifically consistent with Goals 9-1 and 4-1, Objectives 9-1.1 and 4-1.2, and Policies 4-1.2.1, 4-1.4.11, 4-1.11.4, and 4-1.11.6.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. *See* Section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Principles for Guiding Development in Section 380.0552(7), Florida Statutes and is specifically consistent with the following Principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2023-02 is consistent with the City of Marathon’s Comprehensive Plan and the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Final Order becomes final 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ James D. Stansbury  
 James D. Stansbury, Bureau Chief  
 Bureau of Community Planning and Growth  
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS FINAL ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK  
 DEPARTMENT OF ECONOMIC OPPORTUNITY  
 OFFICE OF THE GENERAL COUNSEL  
 107 EAST MADISON ST., MSC 110

TALLAHASSEE, FLORIDA 32399-4128  
 FAX 850-921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 18<sup>th</sup> day of May 2023.

/s/ Karis De Gannes  
 Agency Clerk  
 Department of Economic Opportunity  
 107 East Madison Street, MSC 110  
 Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Luis Gonzalez, Mayor  
 City of Marathon, City Council  
 9805 Overseas Highway  
 Marathon, FL 33050

Diane Clavier, City Clerk  
 City of Marathon, City Clerk  
 9805 Overseas Highway  
 Marathon, FL 33050

Brian Shea, Planning Director  
 City of Marathon, Planning Department  
 9805 Overseas Highway  
 Marathon, FL 33050

DEPARTMENT OF ECONOMIC OPPORTUNITY  
 Division of Community Development  
 DEO Final Order No. DEO-23-017

FINAL ORDER APPROVING CITY OF MARATHON  
 ORDINANCE NO. 2023-04

The Department of Economic Opportunity (the “Department”) hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Marathon (the “City”), Ordinance No. 2023-04 (the “Ordinance”).

FINDINGS OF FACT

- 1.The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. The City is a local government within the Florida Keys Area.
- 2.The Ordinance was adopted by the City on March 14, 2023 and rendered to the Department on March 20, 2023.

3.The Ordinance amends the City’s Land Development Code (“Code”) to provide necessary transparency and accountability in the actions of the City’s Planning Department. The Ordinance modifies provisions within Section 102.74 of the Code regarding the minimum application requirements for conditional use permits to clarify that condominiums created pursuant to section 718.104, Florida Statutes, are not exempt from the specified infrastructure requirements. Additionally, the Ordinance modifies Section 102.79 of the Code to ensure that minor amendments to a conditional use permit are memorialized in writing to the applicant and that the City’s Planning Department will maintain an official record and detailed analysis of such amendments.

CONCLUSIONS OF LAW

4.The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See Section 380.05(6), Florida Statutes.

5.“Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

6.The Ordinance is consistent with the City’s Comprehensive Plan as required by Section 163.3177(1), Florida Statutes, generally, and is specifically consistent with Policy 1-3.1.2, Goal 9-1 and Objective 9-1.1.

7.All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. See Section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

8.The Ordinance is consistent with the Principles for Guiding Development in Section 380.0552(7), Florida Statutes and is specifically consistent with the following Principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (f)Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2023-04 is consistent with the City of Marathon’s Comprehensive Plan and the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Final Order becomes final 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ James D. Stansbury

James D. Stansbury, Bureau Chief  
Bureau of Community Planning and Growth  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS FINAL ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK  
DEPARTMENT OF ECONOMIC OPPORTUNITY  
OFFICE OF THE GENERAL COUNSEL  
107 EAST MADISON ST., MSC 110  
TALLAHASSEE, FLORIDA 32399-4128  
FAX 850-921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been

furnished to the following persons by the methods indicated this 18<sup>th</sup> day of May 2023.

/s/ Karis De Gannes  
 Agency Clerk  
 Department of Economic Opportunity  
 107 East Madison Street, MSC 110  
 Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Luis Gonzalez, Mayor  
 City of Marathon, City Council  
 9805 Overseas Highway  
 Marathon, FL 33050

Diane Clavier, City Clerk  
 City of Marathon, City Clerk  
 9805 Overseas Highway  
 Marathon, FL 33050

Brian Shea, Planning Director  
 City of Marathon, Planning Department  
 9805 Overseas Highway  
 Marathon, FL 33050

DEPARTMENT OF ECONOMIC OPPORTUNITY  
 Division of Community Development  
 DEO Final Order No. DEO-23-015

FINAL ORDER

APPROVING LAKE COUNTY ORDINANCE NO. 2023-18

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to section 380.05(6), Florida Statutes, approving land development regulations adopted by Lake County, Florida, Ordinance No. 2023-18 (the “Ordinance”).

FINDINGS OF FACT

1.The Green Swamp Area is designated by section 380.0551, Florida Statutes, as an area of critical state concern. Lake County is a local government within the Green Swamp Area.

2.The Ordinance was adopted by Lake County on March 28, 2023, and rendered to the Department on April 21, 2023.

3.The Ordinance amends Section 14.00.09, Lake County Code, Appendix E, Land Development Regulations entitled *Res Judicata*. The Ordinance allows a denied zoning application to be placed on the Board of County Commissioner’s agenda to consider scheduling a new hearing before the one (1) year expiration of the application at the request of a County Commissioner who voted in favor of denying the application.

CONCLUSIONS OF LAW

4.The Department is required to approve or reject land development regulations that are adopted by any local government in the Green Swamp Area of Critical State Concern. *See* section 380.05(6), Florida Statutes.

5. “Land development regulations” include “local zoning, subdivision, building, and other regulations controlling the development of land.” Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

6.The Ordinance is consistent with the Lake County Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically is consistent with Policy I-1.1.1, Policy I-1.1.8, Policy I-1.1.6, and Policy II-3.2.1.

7.All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. *See* section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003(1), Florida Administrative Code.

8.The Ordinance is consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern as a whole, and is not inconsistent with any principles.

WHEREFORE, IT IS ORDERED that the Department finds that Lake County Ordinance No. 2023-18 is consistent with the Lake County Comprehensive Plan and the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and is hereby APPROVED.

This Final Order becomes final 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ James D. Stansbury  
 James D. Stansbury, Bureau Chief  
 Bureau of Community Planning and Growth  
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, BY FILING A PETITION.

A PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK  
 DEPARTMENT OF ECONOMIC OPPORTUNITY  
 OFFICE OF THE GENERAL COUNSEL  
 107 EAST MADISON ST., MSC 110  
 TALLAHASSEE, FLORIDA 32399-4128

FAX 850-921-3230

AGENCY.CLERK@DEO.MYFLORIDA.COM

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. PURSUANT TO SECTION 120.573, FLORIDA STATUTES, AND CHAPTER 28, PART IV, FLORIDA ADMINISTRATIVE CODE, YOU ARE NOTIFIED THAT MEDIATION IS NOT AVAILABLE.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 18<sup>th</sup> day of May, 2023.

/s/ Karis De Gannes  
Karis De Gannes, Agency Clerk  
Department of Economic Opportunity  
107 East Madison Street, MSC 110  
Tallahassee, FL 32399-4128  
Telephone: (850) 245-7151  
Facsimile: (850) 921-3230  
Agency.clerk@deo.myflorida.com

By U.S. Mail:

The Honorable Kirby Smith, Chairman  
Lake County Board of County Commissioners  
P.O. Box 7800  
Tavares, FL 32778

The Honorable Gary J. Cooney  
Clerk of the Circuit Court and Comptroller  
Lake County  
P.O. Box 7800  
Tavares, FL 32778

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.